

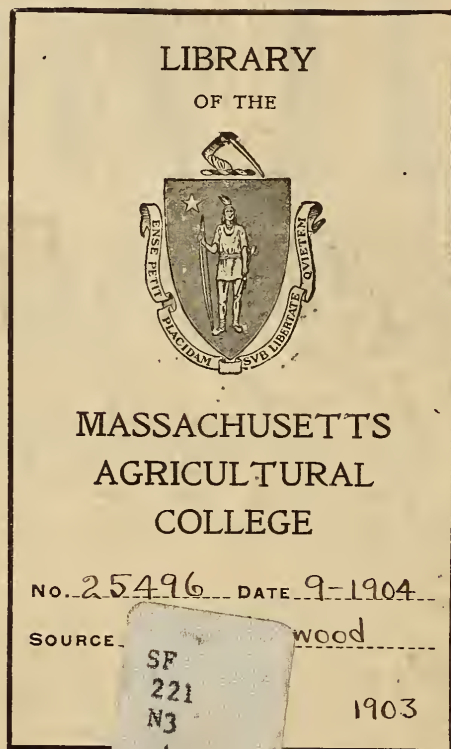
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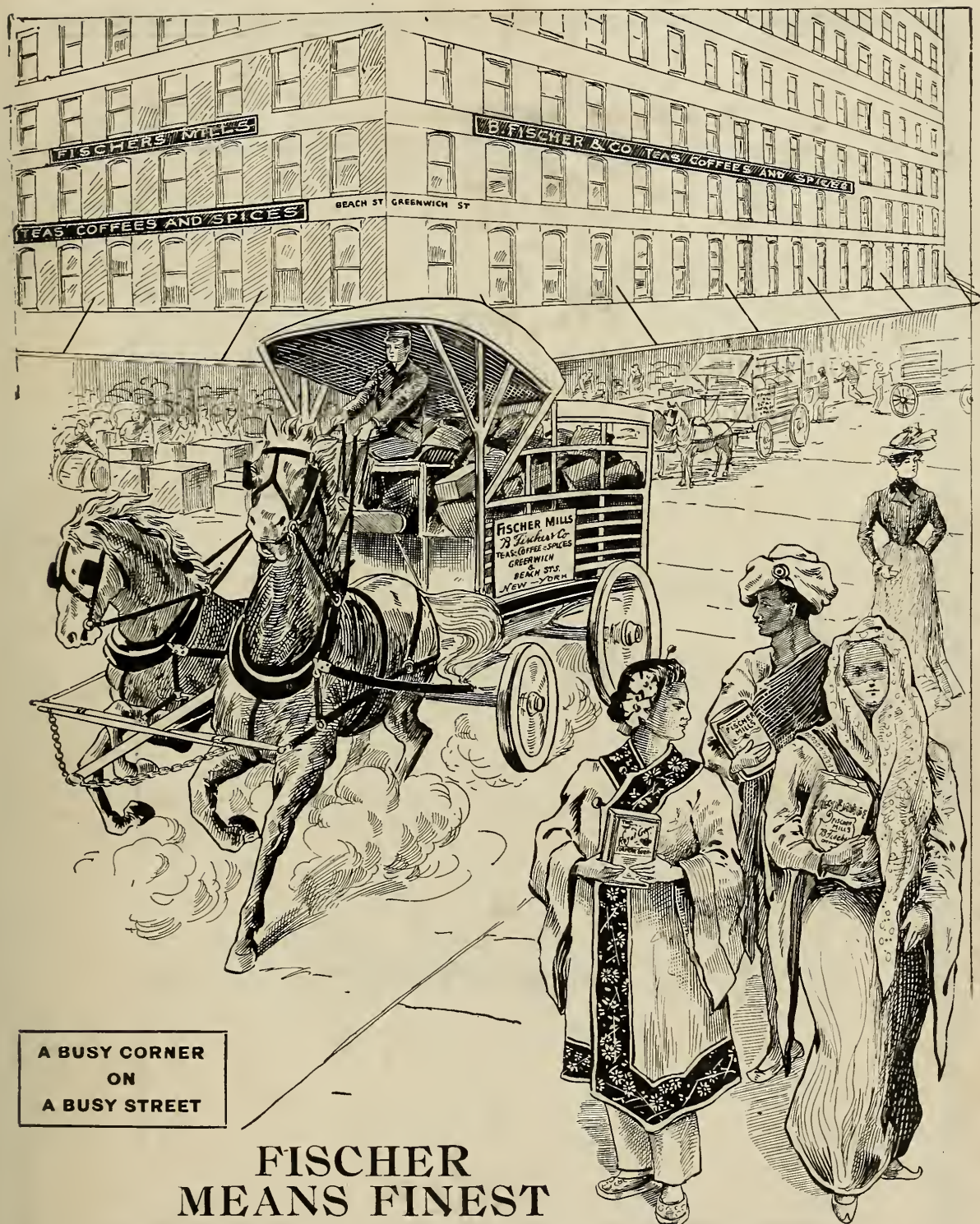
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JOURNAL OF PROCEEDINGS
OF THE
SEVENTH ANNUAL CONVENTION

OF THE
National Association
of State Dairy and
Food Departments

HELD AT

1903

ST. PAUL, MINNESOTA

CONTAINING

Proceedings of the Seventh Annual Convention.

The Dairy and Food Laws of All the States and Territories with State and United States Supreme Court Decisions Thereon. Also Rulings and Tables of Standards Adopted by the State and Government Commissions.

Published

Under the Personal Direction of the
National Association of State Dairy and Food Departments
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Next Annual Convention, St. Louis, Mo., Sept. 26, 27, 28, 29, 30 and Oct. 1, 1904



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EXTRACT FROM THE

Report of the Secretary,
ANNUAL MEETING
American Baking Powder Association,
NEW YORK, MONDAY MORNING, OCT. 12, 1903

Perhaps the most vital circumstance of the past year's work of the Association, and the event of most primary importance, on which the whole superstructure of our other work necessarily rests, is the ultimate demonstration of the fate of aluminum taken into the system in food prepared with "alum" baking powder.

Previous experiments had demonstrated favorably our contention that food prepared with "alum" baking powder was wholesome, showing:

First, That "alum" baking powder food does not interfere with the secretion of the gastric juices;

Second, That it does not retard digestion;

Third, That it does not prevent the complete utilization by the system of the full nutritive value of food;

Fourth, That when eaten by animals in excessive quantities, and almost exclusively from infancy to maturity, it does not interfere with normal development;

Fifth, That in the case of pigs living on a diet exclusively composed of "alum" baking powder bread and milk, a rigid analysis of every portion of the body showed that no aluminum was accumulated or stored up in the body;

Sixth, That human beings eating "alum" baking powder continuously for long periods of time, showed, after a most minute physical examination, a condition of perfect health, digestion, nutrition, vitality and weight.

While these investigations resulted in the inevitable conclusion that "alum" baking powder food was wholesome, still one question remained to be solved, which, like the keystone of the arch, would completely support all the other facts ascertained and settle finally and conclusively all further arguments. This question was, "What is the fate of the aluminum ingested with 'alum' baking powder food in the case of human beings?" Most elaborate experiments were conducted, with every safe guard provided to prevent the possibility of error, and the result was the disclosure of the following indisputable facts:

First, That the aluminum was not soluble in the gastric juices of human beings;

Second, That it had no effect whatever upon the system;

Third, That it had but one channel of elimination;

Fourth, That it was all entirely eliminated.

These conclusions, re-inforcing those which had been reached before, strike a body blow at the theories and deductions hitherto advanced, and answer completely every question and every argument which has been raised since the inception of the so-called "Alum War" in 1876.

The Association is to be congratulated on the complete demonstration of the wholesomeness of its product.

Detailed Copies of the Reports of These Experiments will be Furnished on Application.

All Members of this Association so manufacture their baking powders as to comply with the pure food laws both as regards ingredients and proper labeling.

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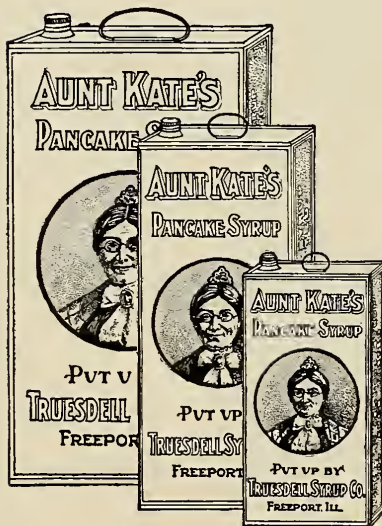
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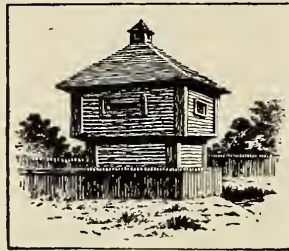
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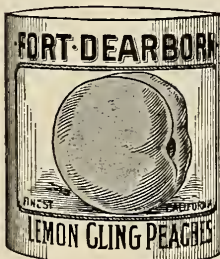
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1, 3, 5, 7 & 9
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**FORT DEARBORN
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Pure Food Products



A MEMORIAL

Presented by the Legislative and Executive Committee of the National Association of State Dairy and Food Departments, and by the Representatives of Manufacturers and Distributors of Food Products in the United States, Praying for the Enactment of a Pure Food Bill.

To the Congress of the United States:

Your memorialists, J. W. Bailey, A. H. Jones, J. B. Noble, R. M. Allen, representing the National Association of State Dairy and Food Departments of the United States, and Edmund W. Taylor, Graeme Stewart, Len M. Frailey, T. B. Wagner and S. Mueller, representing the manufacturers and distributors of food products in the United States, respectfully state: that they constitute a committee on legislation appointed at a conference held in the city of Washington, November 18, 1903, and that they firmly believe they voice the best public sentiment of the country in favoring the passage at the earliest possible date of Senate Bill No. 198, entitled "A Bill for Preventing the Adulteration, Misbranding and Imitation of Foods, Beverages, Candies, Drugs and Condiments in the District of Columbia and the Territories, and for Regulating Interstate Traffic Therein, and for Other Purposes," amended as follows:

That all of the section on Page 27, Line 13, be stricken out after the word "so", as being unnecessarily proscriptive, so that the section will read as follows: "If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so."

Your memorialists would respectfully represent that the majority of the 70,000 food industries of the United States do an interstate commerce business and that Congress is vested by the Constitution of the United States with the sole authority to control all matters relating to interstate commerce, and they believe that this proposed national law is justified by the most urgent necessity and is sanctioned by that right which the states have ceded to the national government to provide for the regulation of such affairs among the states and citizens as have grown beyond state control and which from their character and magnitude are matters affecting the rights not only of citizens in states where they arise, but the rights of the citizens of other states as well.

We need this law to effectively control the evils of food adulteration:—to stop the adulteration and misbranding of food products at the point of origin before the adulterated or misbranded article of food becomes scattered into thousands of stores, hundreds of miles away from the point where the article was adulterated or misbranded.

We need this law to harmonize the discordant provisions of our State Laws, and, like a cap-sheaf, perfect American food legislation.

We need this law to encourage and protect honest business and to guarantee honest markets for honest products.

We need this law to encourage and protect the purity and quality of the food products of American fruit gardens and farms.

We need this law to protect the health, the purses and the tastes of the consumers in all purchases of food products, and we deem it of the greatest importance to this nation that we safeguard the purity and quality of the foods which we bring into our homes.

Best of the High Grade
Powders

Rumford

The Wholesome

Baking Powder

A scientific preparation, being the result of extended research by the celebrated Chemist, Professor Horsford, for many years Professor of Chemistry in Harvard University.

It is not only endorsed by most eminent authority for its Purity and Wholesomeness, but receives the commendation of the best kousekeepers and teachers of cookery in America, for the light, delicate food made from its use, its great strength, and keeping qualities.

A PERFECT BAKING POWDER.

RUMFORD CHEMICAL WORKS, Providence, R. I.

We believe that its operations, and its operations only, can eliminate adulterations before the food product is set afloat into the intricacies of interstate commerce.

We believe that the passage of this law will jeopardize no state right; it will only control the sale of food products where they are subjects of interstate commerce, and we believe that this law will only be enforced where manufacturers and distributors are engaged in interstate commerce and where the result of analysis and examinations give the most certain and scientific evidence that its provisions have been violated.

The National Association of State Dairy and Food Departments has long labored to bring about such legislation by Congress as would govern and regulate the interstate traffic of food stuffs and thereby enable the workings of the pure food commissioners of the various states of the Union to be conducted upon uniform lines.

The manufacturers and distributors of food products in the United States are also urging the enactment by Congress of some national law which will give them uniform regulations, uniform policies and uniform labels for all the goods which they send out from their factories into the different states.

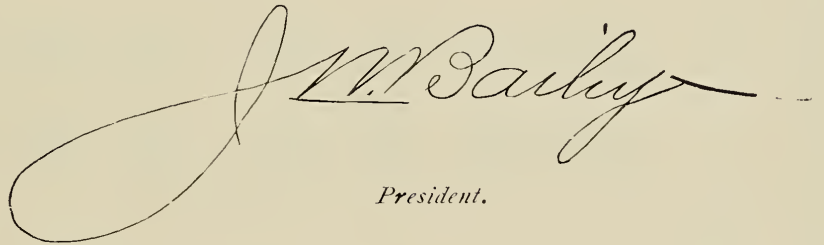
We believe that the bill which we now recommend embraces all the essential points desired by all interested parties in securing the proposed legislation, while non-essential details are omitted, and it is a bill upon which all friends of pure food legislation can agree and for which they can work.

We further urge upon your attention that the measure, the enactment of which is sought, is desirable from the standpoint of public health, vitality, and from the point of view of our national honor and public morality, that pure food tends toward, and contributes to the health and thereby to the happiness of the nation; that laws insuring its effects beneficially great industries and millions of wage earners, and that wise legislation framed and enforced for that purpose cannot fail to have the most salutary and beneficial effect upon the entire nation.

We therefore trust that in presenting this petition we shall have given to your honorable body urgent and satisfactory reasons for the passage of this bill.

Witness our hands this nineteenth day of November, Nineteen Hundred and Three.

On behalf of the Food Commissioners:



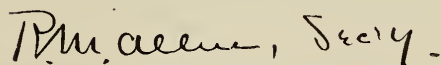
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PURE CONDIMENTS"



"AND AIDS TO
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We challenge comparison of our "GAUNTLET" goods with the products of any and every manufacturer in the world. We are the actual importers and manufacturers of every article we offer for sale. Nothing is packed for us; every process is done under our own personal supervision. Hence, we can positively warrant each article in the most unreserved and positive manner. As we are the largest grinders and packers of **PURE SPICES** in this country, and as our facilities are practically without limit, we can offer a variety and quality offered by no other house. At the World's Fair in Chicago in 1893 we were awarded medals for superiority.

If you have any cause for complaint of the Spices, Herbs, Extracts and Condiments you have been using, simply try a package of any article bearing our name and Trade Mark of the "GAUNTLET" and make the comparison yourself. They are full-weight, full-strength, absolutely pure and unvarying in quality. They cannot be excelled.

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COR. OF CHARLTON & WASHINGTON STS.

NEW YORK, N. Y.

58TH CONGRESS,
1ST SESSION.

S. 198.

IN THE SENATE OF THE UNITED STATES.

NOVEMBER 11, 1903.

Mr. McCUMBER introduced the following bill; which was read twice and referred to the Committee on Manufactures.

A BILL

For preventing the adulteration, misbranding and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating inter-state traffic therein, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded within the meaning of this Act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or foreign country, or who, having received, shall deliver in original unbroken packages for pay or otherwise, or offer to deliver to any other person any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated or misbranded foods or drugs, or who shall export or offer to export the same to any foreign country shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both in the discretion of the court.

SEC. 2. That the Chief of the Bureau of Chemistry in the Department of Agriculture shall make or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time in various parts of the country. If it shall appear from any such examination that any of the provisions of this Act have been violated, the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analyses, duly authenticated by the analyst under oath.

Omaha Packing Company

Beef and Pork Packers

Lard
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HAMS, LARD,
BREAKFAST BACON
and
SAUSAGE

have that delicious
"Corn-Fed Flavor"
and cannot be
excelled.

U. S. GOVERNMENT

Inspection of all of our
products insure their
wholesomeness, and
our brands

UNDERWOOD, VICTOR
and RED SEAL

insure perfection and
cleanliness of manufac-
ture.

Red Seal Leaf Lard



SOUTH OMAHA

CHICAGO

ST. JOSEPH

SEC. 3. That it shall be the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this Act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided.

DEFINITIONS.

SEC. 4. That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia for internal and external use; also any substance intended to be used for the cure, mitigation, or prevention of disease. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound.

ADULTERATIONS AND MISBRANDING.

SEC. 5. That for the purposes of this Act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia official at the time of the investigation: *Provided*, That no drug shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although such standard may differ from that determined by the test laid down in the United States Pharmacopœia.

Second. If its strength or purity fall below the professed standard under which it is sold.

That such drug shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced.

In the case of confectionery an article shall be deemed to be adulterated:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether

YEAST FOAM MAKES PERFECT BREAD.



NORTHWESTERN YEAST CO., CHICAGO, U. S. A.

manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article: *Provided*, That the term "distinctive name" shall not be construed as applying to any article sold or offered for sale under a name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Fourth. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *And provided further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or imitation: *Provided further*, That no dealer shall be convicted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchases such articles to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it, and providing further, always, that said guarantor or guarantors reside in the United States. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

SEC. 6. That every person who manufactures or produces for shipment and delivers for transportation within the District of Columbia or any Territory, or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the

Some of the Good Things We Make.

"MAMMA'S" Baking Powder
"CHAMBERLAIN'S" Flavoring Extracts
"JACK FROST" Buckwheat Flour
"MAMMA'S" Pan Cake Flour
"CRIS-PO" The Ready-To-Eat Cereal
"MORNING GLORY" Breakfast Food

Our aim is to make uniform, high quality goods to retail at a fair price, allowing the retailer a good profit.

F. B. CHAMBERLAIN COMPANY
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"California South of Tehachapi," "The San Joaquin Valley,"
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District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall furnish within business hours, and upon tender and full payment of the selling price, a sample of such drugs or articles of food to any person duly authorized by the Secretary of Agriculture to receive the same and who shall apply to such manufacturer, producer, or vender; or person delivering to a purchaser such drug or article of food, for such sample for such use, in sufficient quantity for the analysis of any such article or articles in his possession.

SEC. 7. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section eight of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food or drug in violation of the provisions of this Act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 8. That any article of food or drug that is adulterated or misbranded within the meaning of this Act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 9. That this Act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this Act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods and drugs within the District of Columbia and the several Territories, except wherein such legislation conflicts with the provisions herein.

SEC. 10. That this Act shall take effect and be in force from and after the first day of January, nineteen hundred and five.



St. Charles Cream

UNSWEETENED

STERILIZED



THE WORLD'S STANDARD

Has received **HIGHEST AWARD** wherever shown, the most important being at the World's Fair, Chicago; Trans-Mississippi Exposition, Omaha; World's Fair, Paris; Pan-American Exposition, Buffalo; and a large number of lesser note, including innumerable pure food exhibits.

A SAFE INFANT FOOD.



PERFECTLY STERILIZED.

UNEQUALED IN RICHNESS.

KEEPS IN ANY CLIMATE.

St. Charles Cream is delicious in oyster soups, puddings, gravies, and for all purposes to which fresh cream is adapted. Very nice on fruits of all kinds and, unlike fresh cream, will not curdle. "The proof of the pudding is the eating thereof."

The safe food for infants, invalids, convalescents and nursing mothers. Nature's substitute for mother's milk. Scientifically sterilized and guaranteed perfect. Serves all the purposes of fresh milk.

ST. CHARLES CREAM is extensively used in Infants' Homes and Hospitals, also by the armies and navies of the leading nations, and can be procured in all the principal markets of the world.

FOR ADDITIONAL INFORMATION ADDRESS,

St. Charles Condensing Co.

ST. CHARLES, ILL., U. S. A.

Factories:

St. Charles, Ill., U. S. A. Chemung, Ill., U. S. A.

Ingersoll, Ont., Canada.



The report of the committee to whom the foregoing Bill was referred is as follows:

58TH CONGRESS, {
2d Session. }

SENATE.

{ REPORT
No. 301. }

ADULTERATIONS OF FOODS, ETC.

JANUARY 15, 1904.—Ordered to be printed.

Mr. HEYBURN, from the Committee on Manufactures, submitted the following

R E P O R T.

(To accompany S. 198.)

The Committee on Manufactures, to whom was referred the bill (S. 198) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, beg leave to report as follows:

Your committee have given careful consideration to many suggestions for and against the bill, as well as for its amendment, and has taken full advantage of the hearings and testimony taken during the Fifty-sixth and Fifty-seventh Congresses upon bills of the same general nature, which are embodied in Senate Document No. 141, second session Fifty-sixth Congress, and Senate Report No. 972, first session Fifty-seventh Congress, a part of which is hereto attached.

In considering and reporting this bill your committee have taken into careful consideration all the objections that have been urged against any possible interference with the right of the several States to regulate such matters within their own jurisdiction and have endeavored, in specifying the conditions under which this law shall be applied, and the tribunals in which it shall be enforced to avoid any possible infringement upon the rights of the States in such matters, and recognizing that not only the health and welfare of the people are involved in enabling them to protect themselves against adulterations and deception in the products of their consumption, the committee has gone no further than to place within the reach of the people the power to avoid such adulterations and deceptions by the manufacturers and vendors of articles of general consumption.

The amendments made by your committee to the bill as introduced are as follows:

Section 3, page 3, line 7, after the word "act," insert a comma and the words "or to whom any person, acting either on his own behalf or as the officer or agent of any State or Territory or of the District of Columbia, shall present satisfactory evidence of any such violation."

Section 5, page 5, fourth paragraph, line 15, after the word "it," strike out the period and insert a semicolon and also the words:

Provided, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser; provided no substance is used that is in conflict with the laws of the country to which the goods are to be shipped, when such country, having laws upon the subject, does not prohibit such process.

Section 5, page 6, line 15, after the word "statement," insert the words "design or device."

Section 5, page 6, line 16, after the word "statement," insert the words "design or device."

Section 6, page 8, line 19, after the word "same" insert the words "and, in any Territory or in the District of Columbia, to any officer or agent of such Territory or District, respectively, charged with the inspection of foods or drugs in such jurisdiction."

Section 7, page 9, line 1, after the word "section" strike out the word "eight" and insert the word "six."

The first amendment above mentioned, in section 3, line 7, was thought advisable in view of the fact that in the District of Columbia, and perhaps in some other States or Territories, laws already in force provide for the performance of the duty imposed by said section on the district

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attorney by other officers, and in order to harmonize the local and the general law it is provided that such duty may be performed by other than the United States district attorney.

The amendment proposed to the fourth paragraph of section 5, on page 5, line 15, is intended to meet the requirements of shippers who are directed by foreign consumers to pack meats and other articles of commerce in a given way, in conformity with the laws of the country to which such products are shipped, where the laws of the country to which shipment is made recognize such means of packing and shipping as not injurious and within the rule of such health regulations; but this amendment only affects those countries where a law exists permitting such packing, either by direct enactment or by accepted usage.

The amendments on page 6, lines 15 and 16, are intended only to make more certain, and somewhat wider in its scope, the prohibition against misleading statements or branding.

The amendment proposed to section 6, page 8, after line 19, is intended to avoid any conflict between the existing law, which authorizes certain officers and agents in Territories or in the District of Columbia to apply to the manufacturers, producers, or vendors for samples, and this amendment constitutes an enlargement of the class of those who may make applications for such specimens for the purpose of determining the existence of adulteration or misbranding.

Before this bill was taken up for consideration by your committee public notice was given to all parties interested therein that, if they so desired, they would be given a hearing by the committee at the meeting of the committee on January 6, 1904; and at that time several gentlemen appeared before the committee and presented their views in regard to the bill and its several provisions. A report of these hearings is hereto attached and made a part of this report.


Your committee beg to report the bill to the Senate as amended and to recommend that it be favorably considered.

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[CALENDAR NO. 1165.]

58TH CONGRESS }
2d Session. }

H. R. 6295.

{ REPORT
{ No. 1209.

IN THE SENATE OF THE UNITED STATES.

JANUARY 21, 1904.

Read twice and referred to the Committee on Manufactures.

MARCH 5, 1904.

Reported by Mr. HEYBURN, with an amendment.

NOTE—H. R. 6295 was introduced in the House of Representatives by Mr. Hepburn, of Iowa, on Dec. 8th, 1903, and was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed. Reported on January 18th, 1904, with amendments. Committed to the Committee of the whole House on the State of the Union and ordered to be printed, and passed the House of Representatives on January 19, 1904. On January 21st, 1904, was read twice and referred to the Committee on Manufactures in the Senate, and on March 5th, 1904, the following Bill was substituted and reported by Mr. Heyburn, of Idaho, in the Senate. The provisions of this Bill are almost like Senate (McCumber) Bill 198. The parts printed in italics show what was not incorporated in original Senate Bill 198, as amended and reported, and the parts in heavy type in parenthesis show what has been omitted from the original Senate Bill 198 as amended and reported.

AN ACT

For preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the introduction into any State or Territory (**or**) the District of Columbia, *or insular possession* from any other State or Territory, (**or**) the District of Columbia, *or insular possession*, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded within the meaning of this Act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory, (**or**) the District of Columbia, *or insular possession* to any other State or Territory, (**or**) the District of Columbia, *or insular possession*, or to a foreign country, or who shall receive in any State or Territory, (**or**) the District of Columbia, *or insular possession*, from any other State or Territory, (**or**) the District of Columbia, *or insular possession*, or foreign country, or who, having received, shall deliver in original unbroken packages for pay or otherwise, or offer to deliver to any other person any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia, (**or**) the Territories, *or insular possessions*, of the United States such adulterated or misbranded foods or drugs, or who shall export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be **fin**ed not exceeding two hundred dollars for the first offense, and for each subsequent offense

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**Elgin Cheese Color Elgin Butter Color
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not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 2. That the Chief of the Bureau of Chemistry in the Department of Agriculture shall make or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory *or insular possession*, or in any State other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time in various parts of the country. If it shall appear from any such examination that any of the provisions of this Act have been violated, *the Secretary of Agriculture shall cause notice to be given to the parties concerned with opportunity to be heard under such rules and regulations as may be prescribed by the Secretary of Agriculture, and if after such hearing it is found that any of the provisions of this Act have been violated, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analyses, or examination, duly authenticated by the analyst, or officer making such examination, under oath.*

SEC. 3. That it shall be the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any person, acting either on his own behalf or as the officer or agent of any State or Territory, **(or of)** the District of Columbia, *or insular possession*, shall present satisfactory evidence of any such violation, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided.

DEFINITIONS.

SEC. 4. That the term "drug" as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia for internal and external use; also any substance intended to be used for the cure, mitigation, or prevention of disease. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound.

ADULTERATIONS AND MISBRANDING.

SEC. 5. That for the purposes of this Act an article shall be deemed to be adulterated—
In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia official at the time of the investigation: Provided, That no drug shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box, or other container thereof, although such standard may differ from that determined by the test laid down in the United States Pharmacopœia.

Second. If its strength or purity fall below the professed standard under which it is sold.

That such drug shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory *or place* in which it is manufactured or produced.

In the case of confectionery an article shall be deemed to be adulterated:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength **(so that such product, when offered for sale, shall deceive or tend to deceive the purchaser).**

Second. If any substance or substances has or have been substituted wholly or in part for the article **(so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser).**

Third. If any valuable constituent of the article has been wholly or in part abstracted **(so that the product when sold or offered for sale, shall deceive or tend to deceive the purchaser).**

Fourth. If it contain any added poisonous **(ingredient)** *or other ingredient (or any ingredient)* which may render such article injurious to the health of the person consuming it: Provided, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser, provided no substance is

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TABLE DELICACIES**



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used that is in conflict with the laws of the country to which the goods are to be shipped, when such country, having laws upon the subject, does not prohibit such process

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured, or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First. If it be (**an imitation of or**) offered for sale under the distinctive name of another article: Provided, That the term "distinctive name" shall not be construed as applying to any article sold or offered for sale under a name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular, or if the same is falsely branded as to the State, (**or**) Territory, or place in which it is manufactured or produced:

Provided, *however*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: Provided, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: And provided further, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or imitation: Provided further, That no dealer shall be convicted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchases such articles to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it: And provided further, (**always**) That said guarantor or guarantors reside in the United States. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

SEC. 6. That every person, *company, or corporation who manufactures or produces and delivers for interstate or foreign shipment or transportation, or who receives from any State, Territory, or the District of Columbia, or insular possession or foreign country, other than the State, Territory, District of Columbia, or insular possession in which it is received, and any person, company, or corporation who sells or exposes for sale in any Territory, or the District of Columbia, or insular possession, any article of food or drug (who manufactures or produces for shipment and delivers for transportation within the District of Columbia or any Territory or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall furnish, within business hours and upon tender and full payment of the selling price, a sample of such drug(s) or article(s) of food to any person duly authorized by the Secretary of Agriculture to receive the same, and in any Territory, or (in) the District of Columbia, or insular possession, to any officer or agent of such Territory or District, respectively, charged with the inspection of food(s) or*

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Wesson Salad Oil

**Purely Vegetable, Delicious
Appetizing and Healthful**

Wesson Cooking Oil

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Southern Cotton Oil Co.

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New Orleans**

drugs in such jurisdiction, and who shall apply to such manufacturer, producer, (or vender) or person, (**delivering to a purchaser**) company, or corporation selling or exposing for sale as *afore-said* such drug or article of food for such sample (**for such use**) in sufficient quantity for (the) an analysis of any such article or articles in his possession.

SEC. 7. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section six of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling any adulterated, impure, or misbranded article of food or drug in violation of the provisions of this Act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 8. That any article of food or drug that is adulterated or misbranded within the meaning of this Act, and is (**transported or**) being transported from one State to another for sale, *or having been transported, remains unloaded, unsold, or in original unbroken packages*, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated *or misbranded within the meaning of this Act* the same shall be disposed of *by destruction or sale*, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State: *Provided, however, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, or laws enacted for the District of Columbia, the court may by order direct that such articles be delivered to the owner thereof.* The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 9. That this Act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further, That nothing in this Act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods and drugs within the District of Columbia and the several Territories, except wherein such legislation conflicts with the provisions herein.*

SEC. 10. *That the provisions of this Act shall not apply to common carriers, or their servants, agents, or employees.*

Sec. 11. (**Sec. 10.**) That this Act shall take effect and be in force from and after the first day of January, nineteen hundred and five.

Passed the House of Representatives January 19, 1904.

Attest:

A. McDOWELL, Clerk.

NOTE—On April 28th Senator Heyburn of Idaho gave notice that on the 8th of December next, after the morning hour he would ask the Senate to take up for consideration the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs and for regulating traffic therein, and for other purposes; so that the forgoing Bill with the exception of the parts printed in black-faced type and in brackets will come up for consideration before the Senate on the first day of the next session.

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NATIONAL CONTROL OF FOOD PRODUCTS.

United States Department of Agriculture, BUREAU OF CHEMISTRY

H. W. WILEY, Chief.

The following excerpt from the act making appropriations for the Department of Agriculture (Public—No. 150,) approved April 23, 1904, gives the provisions of the law authorizing the Secretary of Agriculture to investigate the adulteration of foods and drugs, to supervise the importation of food products from foreign countries, to inspect food products intended for exportation to countries requiring physical or chemical inspection of foods entering their ports, and to fix standards of purity for foods.

To investigate the adulteration of foods, condiments, beverages, and drugs, when deemed by the Secretary of Agriculture advisable, and to publish the results of such investigations when thought advisable, and also the effect of cold storage upon the healthfulness of foods.

To enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice.

To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process renovated or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process renovated or adulterated butters. To study in collaboration with the Weather Bureau and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes. To investigate the chemical composition of sugar and starch producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar and starch producing plants, especially with reference to their content of available sugar and starch, for the purpose of investigating, determining, and reporting the proper treatment and process in order to secure uniform grade and quality of first-class table sirup.

To investigate the adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable; and the Secretary of Agriculture, whenever he has reason to believe that such articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded either as to their contents or as to the place of their manufacture or production, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis, and the Secretary of the Treasury is hereby authorized to open such original packages and de-



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IN KEGS
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GUARANTEED ABSOLUTELY PURE

A healthful beverage for young and old. A drink of exquisite flavor that nourishes, invigorates and tones the system.

Endorsed by all authorities.

The
Christian Moerlein
Brewing Co.

Cincinnati = Ohio

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Wholesale Dealer Lexington, Ky.

liver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health, or falsely labeled or branded, either as to their contents or as to the place of their manufacturer or production or which are forbidden entry or to be sold, or are restricted in sale in the countries in which they are made or from which they are exported, employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purpose named, one hundred and thirty-five thousand dollars: *Provided*, That if found necessary, one thousand five hundred dollars of the amount hereby appropriated may be used for the purchase and installment of a new boiler in the Bureau of Chemistry: *Provided also*, That not to exceed fifteen thousand dollars of this sum may be used to investigate the chemical and physical character of road materials: *And provided further*, That fifteen thousand dollars thereof shall be used exclusively for the purpose of investigating, determining, and reporting the proper treatment and process in order to secure uniform grade and quality of first-class table sirup; and the Secretary of Agriculture shall report to Congress at its next session the result of said investigation: *And provided further*, That fifteen thousand dollars of the amount hereby appropriated shall be immediately available.

NUTRITION INVESTIGATIONS: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, including special investigations on the nutritive value and economy of the diet in public institutions; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with said Secretary of Agriculture or otherwise, twenty thousand dollars.

ESTABLISHED 1859

D. G. COOK, President



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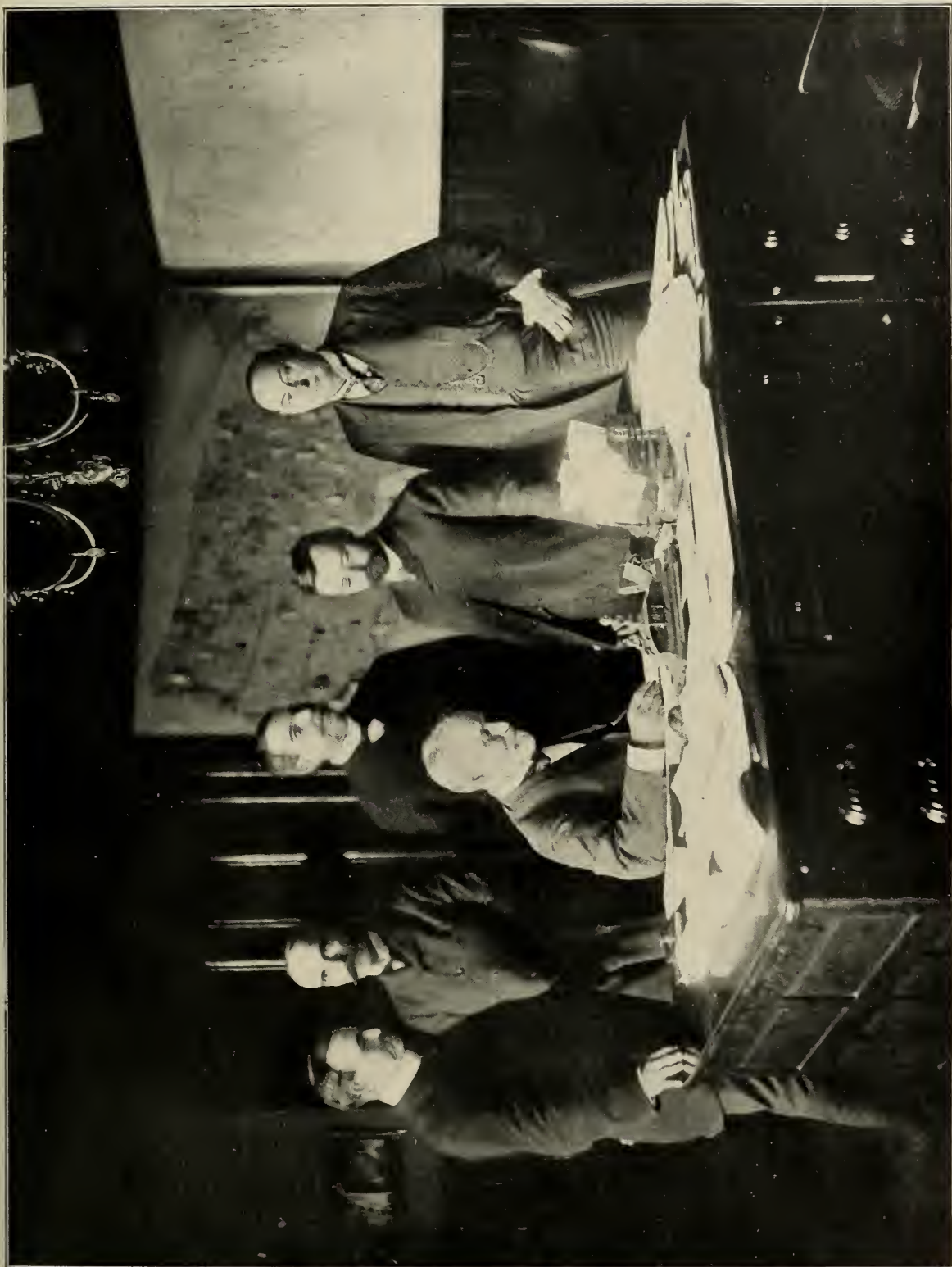
AIR TIGHT COFFEE.

Ordinary roasted coffee is full of little pores or holes through which the strength of the coffee escapes. These holes are sealed with egg and sugar in

Arbuckles' Roasted Coffee.

This makes a coating which keeps the coffee good and makes it self-settling. A list of useful articles in every package. Save the signatures.

ARBUCKLE BROTHERS' NOTION DEPARTMENT, New York City, N. Y.



Hon. James Wilson, Sec'y of Agriculture, Signing Proclamation Establishing Official Food Standards for the United States of America, November 20, 1903,
in the presence of the United States Food Standard Commission.
WILLIAM FREAR, EDWARD H. JENKINS, HENRY A. WEBER, NELVILL A. SCOVELL, HARVEY W. WILEY.

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5 LB. PACKAGES.

2 LBS.

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STANDARD

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GRANULATED SUGAR

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NEW YORK.

25 LB. BAGS.

100 LB. BAGS.

STANDARDS OF PURITY FOR FOOD PRODUCTS AS ADOPTED BY THE UNITED STATES DE- PARTMENT OF AGRICULTURE.

WHEREAS, The Congress of the United States by an act approved June 3, 1902, authorized the Secretary of Agriculture to establish standards of purity for food products; and

WHEREAS, He was empowered by this act to consult with the Committee on Food Standards of the Association of Official Agricultural Chemists and other experts in determining these standards; and

WHEREAS, He has in accordance with the provisions of the act availed himself of the counsel and advice of these experts and of the trade interests touching the products for which standards have been determined and has reached certain conclusions based on the general principles of examination and conduct hereinafter mentioned;

Therefore, I, James Wilson, Secretary of Agriculture, do hereby proclaim and establish the following standards for purity of food products together with their precedent definitions as the official standards of these food products for the United States of America.

JAMES WILSON.

WASHINGTON, D. C., *November 20, 1903.*

UNITED STATES DEPARTMENT OF AGRICULTURE, BUREAU OF CHEMISTRY.

Washington, D. C.

To the Honorable The Secretary of Agriculture of the United States.

SIR: The undersigned, representing The Association of Official Agricultural Chemists of the United States, and commissioned by you, under authority given by the Act of Congress, approved March 3, 1903, to collaborate with you "to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the Courts of Justice," respectfully submit herewith, for your consideration, standards for certain articles belonging to the schedules of meat and the principal meat products, milk and its products, sugars and related substances, and condiments and cocoa and cocoa products, with the recommendation that they be approved and proclaimed the established standards.

In connection therewith are presented a classified list of the various schedules of food products for which standards are being prepared and a statement of some of the more important general principles upon which the standards are based.

Before the adoption of any schedule it was submitted to the manufacturing firms and the trade immediately interested for criticisms, and, when requested by them, conferences for discussion have been arranged. Certain questions have arisen, in the discussion of these standards relative to several substances sometimes used as preserva-

tives or coloring matters. In the judgment of the committee these questions can most satisfactorily be treated in connection with Schedule III, Preservatives and Coloring Matters, and recommendations have therefore been deferred pending the consideration of that schedule.

For the primary definitions and standards and for the compilations of data for standards and constant assistance in the revision of the schedules the committee is greatly indebted to the following persons: Charles D. Woods, Ph. D., director of the Maine Agricultural Experiment Station, Orono, Me., referee on meat and its products; L. L. Van Slyke, Ph. D., chemist of the New York Agricultural Experiment Station, Geneva, N. Y., referee on milk and its products; Charles A. Crampton, M. D., chemist of the Bureau of Internal Revenue, referee on beverages, including cocoa and cocoa products; A. L. Winton, Ph. B., chemist of the Connecticut Agricultural Experiment Station, New Haven, Conn., referee on condiments.

The committee is also indebted to others for information and helpful suggestions, which will be more specifically acknowledged in a report of its work to be later submitted.

Very respectfully,

WILLIAM FREAR,
EDWARD H. JENKINS,
MELVILL A. SCOVELL,
HENRY A. WEBER,
HARVEY W. WILEY.

Cream Tartar and Its Physiological Effects.

For many years there has been a large expenditure of money in so-called reading matter advertisements in newspapers and periodicals, impressing upon the consumer of Baking Powder, especially, that brands made with this acid constituent were "Absolutely Pure," and the only safe and wholesome Baking Powder for the people to use. A very wrong impression has been thereby created. Very few of the medical profession have ever looked up or studied the facts so as to have a reasonably correct idea of the danger lurking in the continued use of Cream Tartar and Soda, in combination.

First, it should be understood that "Cream Tartar" is the commercial name; that, properly speaking, it is Bi-Tartrate Potash. This acid, when used in combination with Bi-Carbonate Soda for culinary purposes, leaves a residue in the food equal to seventy-five per cent of the original material. Any elementary chemistry will show that the chemical reaction, of these two products, produces tartrate of soda and tartrate of potash.

We give below an accurate chemical analysis of the residue of this combination. Any interested person may, by the use of a pencil, figure out the exact amount of tartrate of potash (potassium salts) that the ordinary person, or they themselves, would be likely to receive in their stomachs when consuming so-called Cream Tartar biscuit or tea biscuit, cake or pastry. This will, no doubt, prove startling to many physicians and even chemists, who may have erroneous opinions.

Analysis of residues (in dry equivalents) also leavening gas from 16 ounces (one pound) of Cream Tartar and Bi-Carbonate Soda, combined in proper neutralizing proportions:

2.57 ounces	Carbonic Acid Gas	. . .	The leavening agent.
1.06 ounces	Water of Association	. .	Developed by chemical change.
5.73 ounces	Tartrate of Soda	. . .	Not very objectionable.
6.64 ounces	Tartrate Potash	. . .	Extremely objectionable.
16.00 ounces	total, one pound.		

Can it be denied that:

"Potassium in small doses depresses the vital functions of the heart, brain, spinal cord, nerves and muscles."

"Potash in large amounts is poisonous to all animal life."

"Salts of Potassium in small quantities introduced into the veins of dogs produces death in a few moments."

"Potassium is disastrous to the kidneys."

"Potassium salts taken with food are absorbed by the system."

"The insidious nature of the poison is its greatest danger."

"So-called Bright's Disease often results from acute potash intoxication."

"An ounce and a half of Cream Tartar has caused death, preceded by paralysis of the lower extremities."

"The people of the United States consume between ten and twenty million pounds of Tartrate of Potash annually in food prepared with Cream Tartar and Soda."

These extracts are from testimony presented by eminent Boston physicians before the Joint Committee on Public Health of the Senate and House of Representatives of the Commonwealth of Massachusetts in 1902, and again in 1903.

Many housewives follow the old formula: Two teaspoonfuls of Cream Tartar and one of Soda, or a total of about $1\frac{1}{2}$ ounces, for each pound or quart of flour used, for tea-biscuit. This would produce from six to eight ordinary size biscuits, each containing about 37 grains of Tartrate of Potash.

Criticism on the facts presented above is invited, especially from those interested in the administration of laws designed to protect the public from dangerous substances left in the food when ready for consumption?

R. B. DAVIS.

PRINCIPLES ON WHICH THE DEFINITIONS AND STANDARDS ARE BASED.

The general considerations which have guided the committee in preparing the definitions and standards for food products are the following:

1. The main classes of food articles are defined before the subordinate classes are considered.

2. The names of the various substances for which standards are proposed are defined.

3. The definitions are so framed as to exclude from the articles defined substances not included in the definitions.

4. The definitions include, where possible, those qualities which make the articles described wholesome for human food.

5. A term defined in any of the several schedules has the same meaning wherever else it is used in this report.

6. The names of food products herein defined usually agree with existing American trade or manufacturing usage, but where such usage is not

clearly established or where trade names confuse two or more articles for which specific designations are desirable, preference is given to one of the several trade names applied.

7. Standards are based upon data representing materials produced under American conditions and manufactured by American processes or representing such varieties of foreign articles as are chiefly imported for American use.

8. The standard fixed are such that a departure of the articles to which they apply, above the maximum or below the minimum limit prescribed is evidence that such articles are of inferior or abnormal quality.

9. The limits fixed as standard are not necessarily the extremes authentically recorded for the article in question, because such extremes are commonly due to abnormal conditions of production and are usually accompanied by marks of inferiority or abnormality readily perceived by the producer or manufacturer.

FOOD DEFINITIONS AND STANDARDS.

I. ANIMAL PRODUCTS.

A. MEATS AND THE PRINCIPAL MEAT PRODUCTS.

a. MEATS.

Definitions.

1. *Meat* is any sound, dressed, and properly prepared edible part of animals in good health at the time of slaughter. The term "animals," as herein used, includes not only mammals, but fish, fowl, crustaceans, mollusks, and all other animals used as food.

2. *Fresh meat* is meat from animals recently slaughtered or preserved only by refrigeration.

3. *Salted, pickled and smoked meats* are un-mixed meats preserved by salt, sugar, vinegar, spices, or smoke, singly or in combination, whether in bulk or in packages.

Standard.

Standard meat, fresh meat, and salted, pickled, and smoked meats are such as conform respectively to the foregoing definitions.

b. MANUFACTURED MEATS.

Definition.

1. *Manufactured meats* are meats not included in definitions 2 and 3, whether simple or mixed, whole or comminuted, in bulk or packages, with or without the addition of salt, sugar, vinegar, spices, smoke, oils, or rendered fat.

Standard.

Standard manufactured meats conform to the foregoing definition. If they bear names descriptive of composition they correspond thereto and when bearing such descriptive names, if force or flavoring meats are used, the kind and quantity thereof are made known.

c. MEAT EXTRACTS, MEAT PEPTONES, ETC. (Schedule in preparation.)

d. LARD.

Definitions.

1. *Lard* is the rendered fresh fat from slaughtered, healthy hogs.

2. *Leaf lard* is the lard rendered at moderately high temperatures from the internal fat of the abdomen of the hog, excluding that adherent to the intestines.

Standard.

Standard lard and standard leaf lard are lard and leaf lard respectively, free from rancidity, containing not more than one (1) per cent of substances, other than fatty acids, not fat, necessarily incorporated therewith in the process of rendering, and standard leaf lard has an iodine number not greater than sixty (60).

Definition.

3. *Neutral lard* is lard rendered at low temperatures.

B. MILK AND ITS PRODUCTS.

a. MILKS.

Definition.

1. *Milk (whole milk)* is the lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving.

Standard.

Standard milk is milk containing not less than twelve (12) per cent of total solids and not less than eight and one-half (8.5) per cent of solids not fat, nor less than three and one-quarter (3.25) per cent of milk fat.

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Your Kind Consideration**

**IT IS HEALTHIER THAN SUGAR AS IT PASSES THROUGH THE
HUMAN ORGANISM WITHOUT DECOMPOSITION**

It is universally conceded that Germany has the best of chemists, but not one appeared before the Reichstag to say SACCHARINE was harmful when it was considering the bill prohibiting the general use of the article in that country.

On the contrary, the German Government *recognized* its value by agreeing to pay the SACCHARINE manufacturers of that country *six years' profits*, based on the profits of the three preceding years, to discontinue its manufacture. If SACCHARINE was harmful *to any extent* would that Government assume such expense?

The facts are—the use of SACCHARINE had become so general that it affected the revenue the Government was receiving from the sugar manufacturers and to prevent a further reduction the law was passed: a case of protection for revenue only.

A sample and full information at your disposal.

Monsanto Chemical Works

Manufacturing Chemists

Saint Louis

Definitions.

2. *Blended milk* is milk modified in its composition so as to have a definite and stated percentage of one or more of its constituents.

3. *Skim milk* is milk from which a part or all of the cream has been removed.

Standard.

Standard skim milk is skim milk containing not less than nine and one-quarter (9.25) per cent of milk solids.

4. *Buttermilk* is the product that remains when butter is removed from milk or cream in the process of churning.

5. *Pasteurized milk* is standard milk that has been heated below boiling but sufficiently to kill most of the active organisms present and immediately cooled to fifty degrees (50°) Fahr. or lower to retard the development of their spores.

6. *Sterilized milk* is standard milk that has been heated at the temperature of boiling water or higher for a length of time sufficient to kill all organisms present.

7. *Condensed milk* is milk from which a considerable portion of water has been evaporated.

8. *Sweetened condensed milk* is milk from which a considerable portion of water has been evaporated and to which sugar (sucrose) has been added.

Standard.

Standard condensed milk and *standard sweetened condensed milk* are condensed milk and sweetened condensed milk, respectively, containing not less than twenty-eight (28) per cent of milk solids, of which not less than one-fourth is milk fat.

9. *Condensed skim milk* is skim milk from which a considerable portion of water has been evaporated.

b. MILK FAT AND BUTTER FAT.

Definition.

1. *Milk fat or butter fat* is the fat of milk.

Standard.

Standard milk fat or butter fat has a Reichert-Meissl number not less than twenty-four (24) and a specific gravity not less than 0.905 (40° C. /40° C.).

c. CREAM.

Definition.

1. *Cream* is that portion of milk, rich in butter fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force.

Standard.

Standard cream is cream containing not less than eighteen (18) per cent of milk fat.

2. *Evaporated cream* is cream from which a considerable portion of water has been evaporated.

d. BUTTER.

Definition.

1. *Butter* is the product obtained by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt. By acts of Congress approved August 2d, 1886, and May 9th, 1902, butter may also contain additional coloring matter.

Standard.

Standard butter is butter containing not less than eighty-two and five-tenths (82.5) per cent of butter fat.

Definition.

2. *Renovated or process butter* is the product obtained by melting butter and reworking, without the addition or use of chemicals or any substances except milk, cream, or salt.

Standard.

Standard renovated or process butter is renovated or process butter containing not more than sixteen (16) per cent of water and at least eighty-two and five-tenths (82.5) per cent of butter fat.

e. CHEESE.

Definitions.

1. *Cheese* is the solid and ripened product obtained by coagulating the casein of milk by means of rennet or acids, with or without the addition of ripening ferments and seasoning. By act of Congress, approved June 6, 1896, cheese may also contain additional coloring matter.

2. *Whole milk or full cream cheese* is cheese made from milk from which no portion of the fat has been removed.

3. *Skim-milk cheese* is cheese made from milk from which any portion of the fat has been removed.

3. *Cream cheese* is cheese made from milk and cream, or milk containing not less than six (6) per cent of fat.

Standard.

Standard whole-milk cheese or full-cream cheese is whole-milk or full-cream cheese containing in the water-free substance, not less than fifty (50) per cent of butter fat.

f. MISCELLANEOUS MILK PRODUCTS.

Definition.

1. *Ice cream* (In preparation).

Standard.

Standard ice cream (In preparation).

Definitions.

2. *Whey* is the product remaining after the removal of fat and casein from milk in the process of cheese making.

3. *Kumiss* is mare's or cow's milk, with or without the addition of sugar (sucrose), which has undergone alcoholic fermentation.

VEGETABLE PRODUCTS.

A. GRAIN PRODUCTS.

(Schedule in preparation.)

B. FRUITS AND VEGETABLES.

(Schedule in preparation.)

C. SUGARS AND RELATED SUBSTANCES.

a. SUGAR AND SUGAR PRODUCTS.

Definition.

1. *Sugar* is the product chemically known as sucrose (saccharose) chiefly obtained from sugar cane, sugar beets, sorghum, maple, or palm.

Standard.

Standard sugar is white sugar containing at least ninety-nine and five-tenths (99.5) per cent of sucrose.

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for

Confectioners and Preservers

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We make no deleterious products of any kind and we are ever ready to go before any Investigator and prove the purity and harmlessness of the goods we sell. We do this for your safety and ours.

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The most convincing proof of our statement is a practical test by yourself, which we invite. We will send upon request a sample of any "Atlas Colors" to any Food Commissioner or Health Officer.

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Definitions.

2. *Granulated, loaf, cut, milled, and powdered sugars* are different forms of standarda sugars.

3. *Maple sugar* is the solid product resulting from the evaporation of maple sap.

4. *Massecuite, melada, mush sugar and concrete* are products obtained by evaporating the purified juice of a sugar-producing plant, or a solution of sugar, to a solid or semi-solid consistence in which the sugar chiefly exists in a crystalline state.

5. *Molassés* is the product left after separating the sugar from massecuite, melada, mush sugar, or concrete.

Standard.

Standard molasses is molasses containing not more than twenty-five (25) per cent of water nor more than five (5) per cent of ash.

Definitions.

6. *Sirup* is the product obtained by purifying and evaporating the juice of a sugar-producing plant without removing any of the sugar.

7. *Sugar-cane sirup* is a sirup obtained by the evaporation of the juice of the sugar cane or by the solution of sugar-cane concrete.

8. *Sorghum sirup* is a sirup obtained by the evaporation of sorghum juice or by the solution of sorghum concrete.

9. *Maple sirup* is a sirup obtained by the evaporation of maple sap or by the solution of maple concrete.

10. *Sugar syrup* is a product obtained by dissolving sugar to the consistence of a sirup.

Standard.

Standard sirup is a sirup containing not more than thirty (30) per cent of water nor more than two and five-tenths (2.5) per cent of ash.

b. GLUCOSE PRODUCTS.

Definition.

1. *Starch sugar or grape sugar* is the solid product obtained by hydrolyzing starch or a starch-containing substance until the greater part of the starch is converted into dextrose. Starch sugar or grape sugar appears in commerce in two forms, anhydrous and hydrous. In the former, the sugar is crystallized without water of crystallization; in the latter, it is crystallized with water of crystallization. The hydrous varieties are commonly known as 70 and 80 sugars; 70 sugar is also known as brewers' sugar, and 80 sugar as climax or acme sugar.

Standards.

(a) *Standard 70 sugar or brewers' sugar* is hydrous starch sugar containing not less than (70)

per cent of dextrose and not more than eight-tenths (0.8) per cent of ash.

(b) *Standard 80 sugar, climax or acme sugar*, is hydrous starch sugar containing not less than eighty (80) per cent of dextrose and not more than one and one-half (1.5) per cent of ash.

(c) *Standard anhydrous grape sugar* is anhydrous grape sugar containing not less than ninety-five (95) per cent of dextrose without water of crystallization and not more than eight-tenths (0.8) per cent of ash.

The ash of these standard products consists almost entirely of chlorids and sulphates of lime and soda.

Definition.

2. *Glucose, mixing glucose, or confectioners' glucose* is a thick sirupy substance obtained by incompletely hydrolyzing starch or a starch-containing substance, decolorizing and evaporating the product. It is found in various degrees of concentration, ranging from forty-one (41) to forty-five (45) degrees Baumé.

Standard.

Standard glucose, mixing glucose, or confectioners' glucose is colorless glucose, varying in density between forty-one (41) and forty-five (45) degrees Baumé, at a temperature of one hundred (100) degrees F. (37.7° C.). It conforms in density, within these limits, to the degree Baumé it is claimed to show, and for a density of forty-one (41) degrees Baumé contains not more than twenty-one (21) per cent of water and for a density of forty-five (45) degrees not more than fourteen (14) per cent. It contains on a basis of forty-one (41) degrees Baumé not more than one (1) per cent of ash, consisting chiefly of chlorids and sulphates of lime and soda.

Definition.

3. *Glucose sirup or corn sirup* is glucose unmixed or mixed with sirup or molasses.

Standard.

Standard glucose sirup or corn sirup is glucose sirup or corn sirup containing not more than twenty-five (25) per cent of water nor more than three (3) per cent of ash.

c. CANDY.

Definition.

1. *Candy* is a product prepared from a saccharine substance or substances, with or without the addition of harmless coloring, flavoring, or filling materials.

Standard.

2. *Standard candy* is candy containing no terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors or other ingredients injurious to health.

D. HONEY.

(Schedule in preparation.)

D. CONDIMENTS (EXCEPT VINEGAR).**A. SPICES.***General Definition.*

1. *Spices* are aromatic vegetable substances used for the seasoning of food.

General Standard.

Standard spices are sound spices, true to name, from which no portion of any volatile oil or other flavoring principle has been removed.

Definition.

2. *Allspice or pimento* is the dried fruit of *Pimenta officinalis* Lindl.

Standard allspice is allspice containing not less than eight (8) per cent of quercitannic acid;¹ not

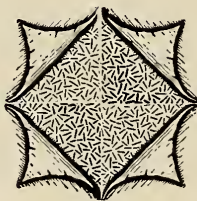
¹Calculated from the total oxygen absorbed by the aqueous extract.

more than six (6) per cent of total ash; not more

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**They are Delicious
Crisp and Appetizing**



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than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than twenty-five (25) per cent of crude fiber.

Definitions.

3. *Anise* is the fruit of *Pimpinella anisum* L.
4. *Bay leaf* is the dried leaves of *Laurus nobilis* L.
5. *Capers* are the flower buds of *Capparis spinosa* L.
6. *Caraway* is the fruit of *Carum carui* L.

CAYENNE AND RED PEPPERS.

7. *Red pepper* is the red, dried, ripe fruit of any species of *Capsicum*.

8. *Cayenne pepper* or *cayenne* is the dried, ripe fruit of *Capsicum fastigiatum* DC., *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small fruited species of *Capsicum*.

Standard.

Standard cayenne pepper is cayenne pepper containing not less than fifteen (15) per cent of non-volatile ether extract; not more than six and five-tenths (6.5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid; not more than one and five-tenths (1.5) per cent of starch by the diastase method, and not more than twenty-eight (28) per cent of crude fiber.

Definitions.

9. *Celery seed* is the dried seed of *Apium graveolens* L.

10. *Cinnamon* is the dried bark of any species of the genus *Cinnamomum* from which the outer layers may or may not have been removed.

11. *True cinnamon* is the dried inner bark of *Cinnamomum zeylanicum* Breyne.

12. *Cassia* is the dried bark of various species of *Cinnamomum*, other than *Cinnamomum zeylanicum*, from which the outer layers may or may not have been removed.

13. *Cassia buds* are the dried immature fruit of species of *Cinnamomum*.

14. *Ground cinnamon* or *ground cassia* is a powder consisting of cinnamon, cassia or cassia buds, or a mixture of these spices.

Standard.

Standard cinnamon or *cassia* is cinnamon or cassia containing not more than eight (8) per cent of total ash and not more than two (2) per cent of sand.

Definition.

15. *Cloves* are the dried flower buds of *Eugenia caryophyllata*, Thunb. (*Caryophyllus aromaticus* L.) which contain not more than five (5) per cent of clove stems.

Standard.

Standard cloves are cloves containing not less than ten (10) per cent of volatile ether extract; not less than twelve (12) per cent of quercitanic acid; not more than eight (8) per cent of total

¹Calculated from the total oxygen absorbed by the aqueous extract.

ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Definitions.

16. *Coriander* is the dried fruit of *Coriandrum sativum* L.

17. *Cumin seed* is the fruit of *Cuminum cyminum* L.

18. *Dill seed* is the fruit of *Peucedanum graveolens* Benth & Hook.

19. *Fennel* is the fruit of *Foeniculum vulgare* Gaertn.

20. *Ginger* is the washed and dried, or decorticated and dried, rhizome of *Zingiber officinale* Roscoe.

Standard.

Standard ginger is ground or whole ginger containing not less than forty-two (42) nor more than forty-six (46) per cent of starch by direct inversion,² not more than eight (8) per cent of crude

²Copper-reducing matters by direct inversion calculated as starch. fiber, not more than eight per cent of total ash, not more than one (1) per cent of lime, and not more than three (3) per cent of ash insoluble in hydrochloric acid.

Definition.

21. *Limed or bleached ginger* is whole ginger coated with carbonate of lime.

Standard.

Standard limed or bleached ginger is limed or bleached ginger containing not more than ten (10) per cent of ash, not more than four (4) per cent of carbonate of lime, and conforming in other respects to standard ginger.

Definition.

22. *Horse-radish* is the root of *Cochlearia armoracia* L.

Standard.

Standard grated or ground horse-radish may be mixed with vinegar.

Definition.

23. *Mace* is the dried arillus of *Myristica fragrans* Houttuyn.

Standard.

Standard mace is mace containing not less than twenty (20) nor more than thirty (30) per cent of nonvolatile ether extract, nor more than three (3) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Definitions.

24. *Macassar* or *Papua mace* is the dried arillus of *Myristica argentea* Warb.

25. *Bombay mace* is the dried arillus of *Myristica malabarica* Lamarck.

26. *Marjoram* is the leaves, flowers, and branches of *Origanum majorana* L.

27. *Mustard seed* is the seed of *Sinapis alba* L. (white mustard), *Brassica nigra* Koch (black mustard), or *Brassica juncea* Coss. (black or brown mustard).

28. *Ground mustard* is a powder made from mustard seed, with or without the removal of the hulls and a portion of the fixed oil.

Standard.

Standard ground mustard is mustard containing not more than two and five-tenths (2.5) per cent of starch by the diastase method and not more than eight (8) per cent of total ash.

Definition.

29. *Nutmeg* is the dried seed of *Myristica fragrans* Houttuyn, deprived of its testa and with or without a thin coating of lime.

Standard.

Standard nutmegs, ground or unground, are nutmegs containing not less than twenty-five (25) per cent of nonvolatile ether extract; not more than five (5) per cent of total ash; not more than five-tenths (0.5) per cent of ash soluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Definitions.

30. *Macassar*, *Papua*, *male*, or *long nutmeg* is



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PRESERVATIVE is the foremost preservative for all food substances. It is essentially a *pure food* preserver and does not conflict with the pure food *laws*. PRESERVATIVE is *solely* a preservative, having properties for preventing the growth of Bacteria, Ptomaines, Toxins and Fungi, thus making food *purer* and *more wholesome*. It neither deteriorates nor disguises the quality of any article of food in which it is used. Its superior merits and harmlessness to health have caused its recognition and use in nearly every country in the world :: :: :: ::

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the dried seed of *Myristica argentea* Warb, deprived of its testa.

31. *Paprica* is the dried ripe fruit of *Capsicum annuum* L., *Capsicum longum* DC., or some other large-fruited species of *Capsicum*.

PEPPER.

32. *Black pepper* is the dried immature berries of *Piper nigrum* L.

Standard.

Standard black pepper is black pepper free from added pepper shells, pepper dust, and other pepper by-products and containing not less than six (6) per cent of nonvolatile ether extract; not less than twenty-two (22) per cent of starch by the diastase method; not less than twenty-eight (28) per cent of starch by direct inversion;¹ not more than seven (7) per cent of total ash; not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than three and one-quarter (3.25) parts of nitrogen.

33. *Long pepper* is the dried fruit of *Piper longum* L.

34. *White pepper* is the dried mature berries of *Piper nigrum* L., from which the outer coating, or the outer and inner coatings, have been removed.

Standard.

Standard white pepper is white pepper containing not less than six (6) per cent of nonvolatile ether extract; not less than fifty-three (53) per cent of starch by the diastase method; not less than forty (40) per cent of starch by direct inversion;¹ not less than four (4) per cent of total

¹Copper reducing matters by direct inversion calculated as starch.

ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than five (5) per cent of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than four (4) parts of nitrogen.

35. *Saffron* is the dried stigmas of *Crocus sativus* L.

36. *Sage* is the leaves of *Calvia officianalis* L.

37. *Savory*, or *summer savory* is the leaves, blossoms, and branches of *Satureia hortensis* L.

38. *Thyme* is the leaves and ends of blooming branches of *Thymus vulgaris* L.

B. FRUIT EXTRACTS.

(Schedule in Preparation.)

C. SALAD OILS.

(Schedule in Preparation.)

D. SALT.

(Schedule in Preparation.)

E. BEVERAGES (AND VINEGAR).

A. TEA.

(Schedule in Preparation.)

B. COFFEE.

(Schedule in Preparation.)

C. COCOA AND COCOA PRODUCTS.

Definitions.

1. *Cocoa beans* are the seeds of the cacao tree, *Theobroma cacao* L.

2. *Cocoa nibs*, or *cracked cocoa* is the roasted, broken cocoa bean freed from its shell or husk.

3. *Chocolate*, plain or bitter, *chocolate liquor*, is the solid or plastic mass obtained by grinding cocoa nibs without the removal of fat or other constituents except the germ.

Standard.

Standard chocolate is chocolate containing not more than three (3) per cent of ash insoluble in water, three and fifty hundredths (3.50) per cent of crude fiber and nine (9) per cent of starch, nor less than forty-five (45) per cent of cocoa fat.

Definition.

4. *Sweet chocolate* and *chocolate coatings* are plain chocolate mixed with sugar (sucrose), with or without the addition of cocoa butter, spices, or other flavoring materials.

Standard.

Standard sweet chocolate and *standard chocolate coating* are sweet chocolate and chocolate

coating containing in the sugar—and fat—free residue no higher percentage of either ash, fiber, or starch than is found in the sugar—and fat—free residue or plain chocolate.

Definition.

5. *Cocoa or powdered cocoa* is cocoa nibs, with or without the germ, deprived of a portion of its fat and finely pulverized.

Standard.

Standard cocoa is cocoa containing percentages of ash, crude fiber, and starch corresponding to those in chocolate after correction for fat removed.

Definition.

6. *Sweet or sweetened cocoa* is cocoa mixed with sugar (sucrose).

Standard.

Standard sweet cocoa is sweet cocoa containing not more than sixty (60) per cent of sugar (sucrose) and in the sugar—and fat—free residue no higher percentage of either ash, crude fiber or starch than is found in the sugar—and fat—free residue of plain chocolate.

D. FRUIT JUICES--FRESH, SWEET AND FERMENTED.

(In Preparation.)

E. VINEGAR.

(In Preparation.)

F. MEAD, ROOT BEER, ETC.

G. MALT LIQUORS.

(In Preparation.)

H. SPIRITUOUS LIQUORS.

(In Preparation.)

I. CARBONATED WATERS, ETC.

III. PRESERVATIVES AND COLORING MATTERS.

(In Preparation)

Campbell's

CONDENSED SOUPS

"Just Add Hot Water and Serve"

Price 10c a Can

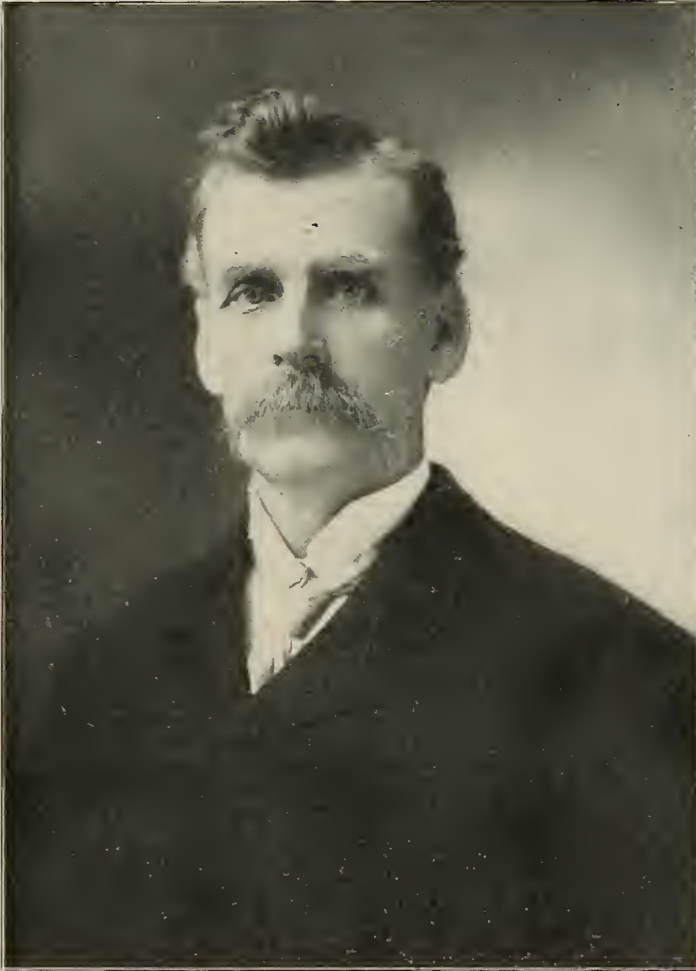
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Other Red and White Label Specialties

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BAKED BEANS & JAMS & Etc. Etc.

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Sauces
Savory
Sundries
and
**Beef
Tea**



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of the
Famous
Cudahy
A-1 Silver
Plated
Bovillon
Spoons

(Do not confuse these splendid spoons with ordinary offers)

The Cudahy Spoons

grace the best tables because they bear no advertising, are made in the latest design, French Gray Finish, and are heavier than triple silver plate.

Made by Wm. A. Rogers, The Famous Silversmith

How to Secure the Spoons

For each spoon desired send a metal cap from a 2-ounce or larger sized jar of **Rex Brand Beef Extract**, and ten cents in silver or stamps to cover mailing expense, and **mention this publication.**

Cudahy's Rex Brand Beef Extract is sold by all Druggists and Grocers. Address

The Cudahy Packing Company

Beef Extract Department Q

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Extra quality canned fruits, vegetables and meats, jams and preserves, plum pudding, mince meat, maple syrup, "Blue Label" tomato Ketchup and "Blue Label" soups



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HON. MORONI HEINER, Utah,
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BAKING POWDER

**IS ABSOLUTELY PURE AND
HEALTHFUL**

(The National Association of the State Dairy and Food Departments recommend “KENTON” Baking Powder to be absolutely pure and healthful.)

Twenty years as the leading brand
proves its entire satisfaction to all
who have used it ✓ ✓ ✓ ✓

KENTON BAKING POWDER CO.

A. J. PARLIN, President

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CAMPBELL'S BAKING POWDER
PEACOCK BAKING POWDER
ROASTED COFFEE
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UNDER this brand, we supply our trade with absolutely the best Hams and Breakfast Bacon we know how to produce—the best we believe money and brains can make possible. We have exerted every effort and have spared no expense for twenty years to attain our present standard, and have reached a point nearer perfection than seemed possible at the start. Perfection means correctness of trim and cure, with a full assortment of desirable averages. Every ham and piece of breakfast bacon is very carefully trimmed and is cured under a process that appeals to the many peculiarities of taste when smoked thoroughly in the old fashioned way over hardwood fires. That we have attained a degree of perfection in cure that is universally pleasing, is evidenced by the increasing demand of our patrons for Berkshire goods.

Our prices are consistent with the kind of hams and breakfast bacon we describe.

M I L L E R & H A R T , C h i c a g o



HON. R. M. ALLEN, Kentucky,
Secretary-Treasurer.



Dr. J. E. Price

President of the Price Flavoring Extract Company and Price Cereal Food Company, is well known as an expert in the study of *Culinary Chemistry* and a pioneer in the production of pure food products. His researches have extended over a period of nearly half a century, and he was one of the first to place in the market articles for culinary purposes that are *strictly* pure and wholesome. Years ago he vigorously agitated PURE FOOD products and is to-day one of the strongest advocates of Pure Food Laws.

His Cream Baking Powder, Delicious Flavoring Extracts, Wheat Flake Celery Food and his Jelly Sugar for Delicious Desserts are acknowledged to be the standard of food articles in their line. Dr. Price's name has never been associated with any food product that was not Pure, Wholesome and Nutritious.



HON. A. H. JONES, Illinois,
Executive Committee.

“PURITY”
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PICKLES=CIDER
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No better cocoanuts grow atop of the earth than those from which **Brazil Shred** is made. Good to start with, we guarantee **Brazil Shred** to stay good for two years. No other shredded coconut has such a guarantee as that; and no other could safely do it.

Brazil Shred is the only coconut which retails at 5 cents for a full quarter-pound package. Further, it is the only **absolutely pure coconut** on the market.

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Philadelphia, Pa.

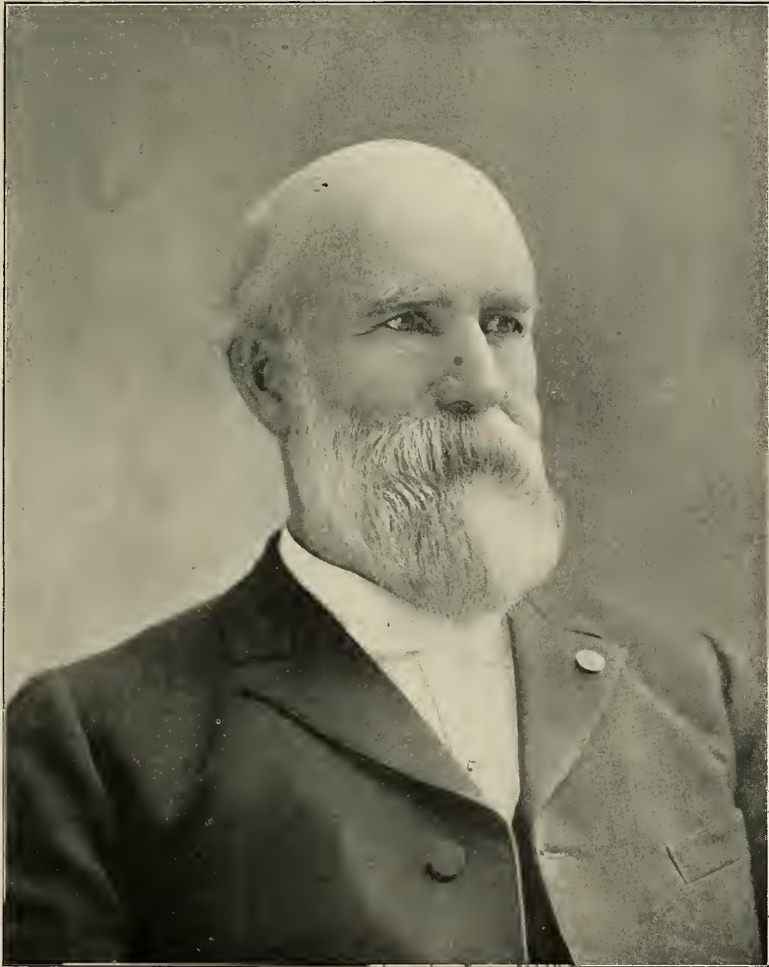
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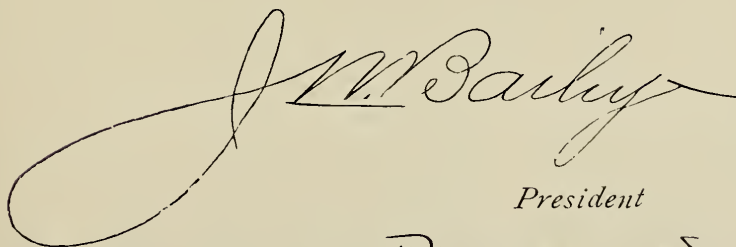
E. H. TAYLOR, JR. & SONS, Inc. DISTILLERS
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Announcement

In accordance with the following resolution, adopted at the Seventh Annual Convention of our association, July 24th, 1903, we have accepted advertisements of only such brands of whiskey as are BOTTLED IN BOND.

Resolution

BE IT RESOLVED; That we approve of the Bottling in Bond Law, as it now stands, and recommend that it be modified and extended in any way that would further facilitate the distribution of pure whiskey from the distiller to the consumer.



President

Pharm., Sec'y.



***Age and Purity
Guaranteed***

by the Government. . .
Note the labels on the
bottles. Kentucky's
leading brands are

OLD CROW

AND

HERMITAGE WHISKIES



CAUTION Be sure the Internal Revenue Stamp over the Cork and Cap-
sule is not broken and that it bears the name W. A. Gaines & Co.

It is a Government Guarantee that goes with this bottling

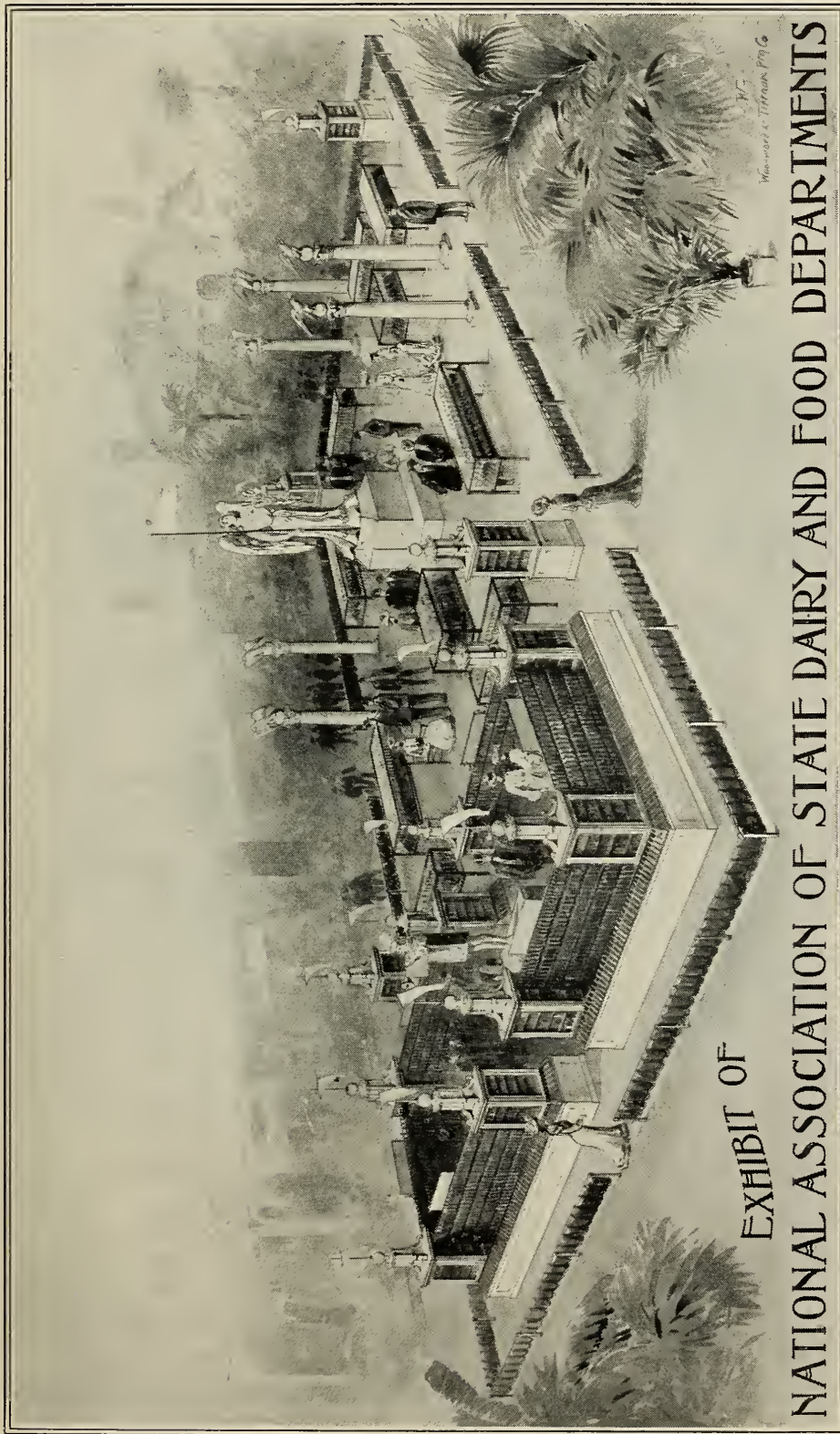
ALL DEALERS SELL IT

W. A. GAINES & CO.

Distillers



Frankfort, Ky.







FREDERIC W. TAYLOR,
Chief Department of Agriculture, World's Fair.

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DO you know how old the whiskey is that you are buying? Maybe you think you do, but why not be sure of it? *The United States Government puts a little green stamp over the cork of Edgewood Whiskey, Bottled in Bond,* that tells you just when it was made, where it was made and when it was bottled. Isn't that what you want?

EDGEWOOD DISTILLING Co.

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Editor "WHAT TO EAT."

Supt. of Food Exhibits Department of Agriculture,
World's Fair.



T. K. BRUNER,

Supt. of Special Exhibits Department of Agriculture
World's Fair.

PROGRAM

FOR THE

International Pure Food Congress and Eighth Annual Convention

OF THE

National Association State, Dairy and Food Departments

At Universal Exposition, St. Louis, September 26, 27, 28, 29, 30 and October 1, 1904.

OFFICERS OF THE ASSOCIATION FOR 1904.

J. W. Bailey, President, Portland, Oregon.
W. W. P. McConnell, First Vice-President, St. Paul, Minn.
Moroni Heiner, Second Vice President, Salt Lake City, Utah.
Horace Ankeny, Third Vice President, Columbus, Ohio.
R. M. Allen, Secretary-Treasurer, Lexington, Ky.

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A. H. Jones, Chicago, Ill., Chairman.
J. B. Noble, Hartford, Conn.
N. B. Critchfield, Harrisburg, Pa.

COMMITTEE ON ORGANIZATION OF THE INTERNATIONAL PURE FOOD CONGRESS.

Hon. J. W. Bailey, President, Portland, Ore.
R. M. Allen, Secretary, Lexington, Ky.
Hon. Porter J. McCumber, United States Senator, North Dakota.
Hon. H. C. Adams, M. C., Madison, Wis.
Harvey W. Wiley, Washington, D. C.
Frederick W. Taylor, St. Louis, Mo.
A. H. Jones, Chicago, Ill.
William Frear, State College, Pa.
M. A. Scovell, Lexington, Ky.

George P. Diehl, Cincinnati, Ohio.
J. B. Noble, Hartford, Conn.
N. B. Critchfield, Harrisburg, Pa.
R. E. Doolittle, Lansing, Mich.
Graeme Stewart, Chicago, Ill.
Percy T. Morgan, San Francisco, Cal.
J. G. Manns, Chicago, Ill.
Sebastian Mueller, Pittsburg, Pa.
H. A. Weber, Athens, Ohio.
Vincent L. Price, St. Louis, Mo.
T. B. Wagner, Chicago, Ill.
Julius Liebman, Brooklyn, N. Y.
Samuel P. Jones, Louisville, Ky.

FIRST DAY, MONDAY, SEPT. 26, 1904.

First Session, 2 P. M.

- 1 Congress and convention called to order by Hon. J. W. Bailey, President National Association of State Dairy and Food Departments.
- 2 Address of Welcome—Hon. David R. Francis, President of the Exposition.
- 3 Address of Welcome—Hon. Howard J. Rogers, Director of Congresses.
- 4 Response—Hon. A. H. Jones, Food Commissioner of Illinois.
- 5 Roll Call of Delegates.

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Pennsylvania
Pure Rye
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WHISKEY

Natural Whiskey "Bottled in Bond"
Under Supervision of U. S. Government

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Each bottle contains full measure.
The whiskey must be four years or older.

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Quarts Pints Half-Pints

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See that the "Little Green Stamp" is over each cork

6 APPOINTMENT OF COMMITTEES ON RESOLUTIONS.

- To report resolution on antiseptics and colors.
- To report resolution on legislation.
- To report resolution on food standards.
- To report resolution on alcoholic beverages.
- To report resolution on baking powder controversy.
- To report resolution on future international conferences and other resolutions.

7. President's Address.

SECOND DAY, TUESDAY, SEPT. 27, 1904.

Morning Session, 9 A. M.

- 8 The International Pure Food Congress—By R. M. Allen, Secretary.
- 9 Address—Food Laws and Food Inspection, Great Britain, by Sir Thomas Edward Thorpe, Principal Royal British Laboratory, London, England.
- 10 Address—Food Laws and Food Inspection, Italy, by Chevalier G. Rossati, Italian Minister of Agriculture.
- 11 Address—Food Laws and Food Inspection, Porto Rico, by Dr. Wm. N. Berkeley, Director of Laboratory Superior Board of Health, Porto Rico.
- 12 Address—Food Laws and Food Inspection, Belgium, by Hon. J. B. Andre, Inspector General of the Manufacture and Sale of Foods, Brussels.
- 13 Address—Food Laws and Food Inspections in Nicaragua, by Mr. Benjamin Vidaurre, Representing the Government of Nicaragua.
- 14 Address—Food Laws and Food Inspection in Salvador, by a Representative of the Government of Salvador.
- 15 Address—The National Pure Food Bill, by Hon. W. B. Heyburn, U. S. Senator from Idaho, Chairman Committee on Manufactures.
- Discussion—
 - The McCumber Bill, by Hon. Porter B. McCumber, U. S. Senator, North Dakota.
 - The Hepburn Bill, by Hon. W. P. Hepburn, M. C., Iowa.
 - Uniform State and National Laws, by Hon. H. C. Adams, M. C., Wisconsin.
 - Opposition to the Passage of a National Food Law, by Hon. James R. Mann, M. C., Illinois.
- General discussion by delegates of the International Congress.
- 16 Address—The Constitutionality of Food Control Laws, by Hon. Scott Bonham of Cincinnati, Ohio.
- Discussion—
 - Interstate Laws, by Rufus L. Weaver of New York City.
 - State Laws, by J. D. Miller of Chicago, Ill.
 - Recent Court Decisions and their Effect on the Policies of Food Control Work, by Hon. Elliott O. Grosvenor, Detroit.
 - How Far Can the Legislature Go in Empowering the Commissioner or Administrative Officer to Make Standards and Rulings, by Hon. Roscoe J. Mauck, Chief Counsel Ohio Food Commission, Columbus, O.
 - The Recent United States Supreme Court Decisions in the Oleomargarine Cases, by Hon. Delevan B. Cole, Chicago, Ill.

RECESS.

TUESDAY, SEPT. 27, 1904.

Afternoon Session, 2 P. M.

- 17 Address—Adulteration and Best Methods of Preventing It, by Dr. H. W. Wiley, Chief U. S. Bureau of Chemistry.
- 18 Address—The Use of Preservatives and Coloring in Food Products, by Prof. J. H. Shepard, State Chemist of South Dakota.
- Discussion. In Fruits and Vegetable Products—
 - By L. M. Frailey, of Camden, N. J., representing the Association of Manufacturers and Distributors of Food Products of the U. S.
 - By Dr. Wm. N. Berkeley, Superior Board of Health, Porto Rico.
 - By Mr. Charles F. Loudon, Cincinnati, Ohio.
 - By Prof. E. F. Ladd, Food Commissioner of North Dakota.
 - By Mr. Frank H. Madden, of Reid, Murdoch Company, Chicago.
 - By Julius Hortvet, State Chemist of Minnesota.
 - By Sebastian Mueller and Glen F. Mason of H. J. Heinz Company.
 - By Mr. H. E. Barnard, State Chemist, New Hampshire.
 - By Herman Harms, State Chemist of Utah.
 - By R. A. Badger of Curtice Bros. Co., Rochester.
 - By G. H. Walker, State Chemist of Nebraska.
- 19 Address—The Use of Coloring Matter and Preservatives in Meats, by Dr. William Frear, State College, Pa.; Chairman U. S. Food Standard Commission, and Vice Director Pennsylvania Experiment Station.

Discussion—

- By Prof. J. G. Manns of Armour & Co., Chicago.
- By Dr. W. D. Bigelow, Chief of Food Laboratory, U. S. Bureau of Chemistry, Washington, D. C.
- By Mr. W. D. Richardson of Swift Co., Chicago.
- N. B.—If work of this day is not finished, will continue into evening.

THIRD DAY, WEDNESDAY, SEPT. 28, 1904.

Morning Session, 9 A. M.

- 20 Address—Co-operation with Government Officials in Controlling the Purity of Foods, by a Representative from the U. S. Federation of Women's Clubs.
- 21 Address—The Purity in And Adulteration of Dairy Products, by Hon. W. W. P. McConnell, Dairy and Food Commissioner of Minnesota.
- Discussion—
 - The Use of Coloring and Antiseptics in Dairy Products.
 - By Dr. H. Droop Richmond, Chemist Aylesbury Dairy Co., London, England.
 - By Maj. Henry E. Alvord, Chief of the Dairy Division, U. S. Department of Agriculture, Washington, D. C.
 - By Hon. J. B. Noble, Dairy Commissioner of Connecticut.
 - By Mr. F. S. Taylor, Vice President of Borden's Condensed Milk Co., New York.
 - By Prof. G. E. Patrick, U. S. Dept. of Agriculture, Chief of Dairy Laboratory.
 - By Joseph Newman, President Illinois Dairymen's Association.
 - By Mrs. Mary Wright, Dairy Commissioner of Colorado.
 - By E. Sudendorf, Supt. of Dairy Exhibit, Louisiana Purchase Exposition.
 - By Adolph Fischer, State Chemist of Wisconsin.
 - By Hon. H. R. Wright, Dairy Commissioner of Iowa.
 - By Hon. J. G. Neumeister, Importer, of Chicago.

Afternoon Session, 2 P. M.

- 22 Address—Controlling the Food Supply of a Large City, Dr. Charles Harrington, Fourteen Years Milk and Vinegar Inspector of Boston, Prof. of Hygiene Harvard Medical School.
- 23 Address—The Effect of Antiseptics and Coloring Matter on the Human System, by Representative of Germany.
- Discussion—
 - By Mr. John F. Queeny of the Monsanto Chemical Works, St. Louis, Mo.
 - By Dr. Harvey W. Wiley, Chief Bureau of Chemistry, U. S. Dept. of Agriculture (American Experiments and Results).
 - By Dr. H. A. Weber, Professor of Agricultural Chemistry University of Ohio, Member U. S. Food Standard Commission.
 - By Dr. Alfred Springer of Cincinnati, Ohio.
 - By Dr. E. N. Eaton, Illinois State Analyst.
 - By Dr. Edward Gudeman of Chicago, Ill.

EVENING SESSION.

8 P. M., at Festival Hall.

- Introduction by Hon. Frederic W. Taylor, Chief of Department of Agriculture, Louisiana Purchase Exposition.
- 24 Address—By Hon. James Wilson, Secretary of Agriculture.

FOURTH DAY, THURSDAY, SEPT. 29, 1904.

Morning Session, 9 A. M.

- 25 Address—The Adulteration of Drugs, by Dr. Albert E. Leach, Director of Food and Drug Laboratory, Massachusetts State Board of Health.
- Discussion—
 - By Mr. Lyman B. Kebler, Chief of Drug Laboratory, U. S. Dept. of Agriculture.
 - By Theodore D. Wetterstroehm, Chemist Ohio Food Department.
- 26 Address—Food Standards, State, by Dr. E. N. Eaton, Illinois State Analyst.
- 27 Address—Food Standards, National, by Prof. M. A. Scovell, Director Kentucky Experiment Station, Member U. S. Food Standard Commission, Chairman Standard Committee National Association of State Dairy and Food Departments.
- 28 Address—Food Standards, International, by Dr. T. B. Wagner, Chicago, Ill., and R. G. Evans, Pittsburgh, Pa.
- 29 Address—The Adulteration of Flavoring Extracts, by Dr. R. E. Doolittle, State Analyst of Michigan.
- Discussion—
 - By V. C. Price, President Price Flavoring Extract Co., Chicago, Ill.
 - By Prof. J. O. LaBach, Chemist Food Division, Kentucky Experiment Station.

*To once drink whiskey bottled in bond
is to drink it always.*

Which will you take?
The government's guarantee or the individual's word.

THE BIG THREE

W. H. McBrayer's Cedar Brook
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Are bottled in bond and guaranteed by the government
to be 100 proof, absolutely pure and fully matured.

The splendid reputation of these whiskies is known
wherever whiskey is sold and they are recognized by
connoisseurs as the highest ideal of the master distiller's
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JULIUS KESSLER & CO.
DISTILLERS

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PARIS, KY.

THURSDAY, SEPT. 29.

Afternoon Session, 2 P. M.

- 30 Address—Some Adulterations and Frauds in the Food Markets, by Dr. B. W. Kilgore, State Chemist North Carolina; Hon. E. A. McDonald, Food Commissioner of Washington; Dr. R. E. Doolittle, State Chemist, Michigan; Mr. J. O. La Bach, Chemist, Food Department, Kentucky.
- 31 Address—The Baking Powder Controversy, by Mr. A. Cressy Morrison, Secretary American Baking Powder Association, New York City.
Discussions—The Merits of the Controversy.
By Prof. M. A. Scovell, Kentucky.
Hon. J. Q. Emery, Food Commissioner of Wisconsin.
- 32 Address—Purity in Confectionery, by Vincent L. Price, National Confectioners' Association.
Discussions—
By Hon. E. F. Ladd, Food Commissioner of North Dakota.
By Dr. E. N. Eaton, Illinois State Analyst.

THURSDAY, SEPT. 29, 1904.

Evening Session, 8 P. M.

- 33 Address—Purity in Wines, by Sir W. Gilby, London, England, and Hon. Percy G. Morgan, President California Wine Association, San Francisco, Cal.
Discussions—
By Mr. Emil Dubois, Tallahassee, Florida.
By Mr. Paul Garrett, Norfolk, Va.
By Mr. W. E. Hildreth, Urbana, N. Y.
By Mr. E. R. Emerson, New York City.
The Adulteration of Wines.
By Mr. Benjamine Vidaurre, Representing the Nicaraguan Government.
By Dr. Julius Hortvet, State Chemist Minnesota.
By Chevalier Rossati, Italy.

Discussion—

BREWED PRODUCTS.

- 34 Address—Science and Its Relation to Adulteration, Dilution, Substitution and Legal Enactments, by Dr. J. E. Siebel, Director of the Zymotechnick Institute, Chicago.
Discussion—The Purity and Adulteration of Beers.
By Mr. Julius Liebman, Liebman Brewing Co., Brooklyn.
By Dr. H. A. Weber, Columbus, Ohio.
By Representative of the Christian Moerlein Brewing Co., Cincinnati, Ohio.
By Mr. George Hofmann, President Hofmann Bros. Brewing Co., Chicago, Ill.
- 35 Address—Antiseptics in the Brewery, by Dr. Francis Wyatt.
- 36 Address—The Establishment of Uniform Standards for Beer, by Dr. Carl Robitschek.
- 37 Address—Does the Feeding of Brewer's Grains Influence the Quality of Dairy Products? By Robert Wahl, Ph. D., Director Wahl-Henius Institute of Fermentology, Chicago.
- 38 Address—A Representative from the "Ligue Internationale pour L'Amelioration de L'Alimentation Humaine on Animale."
The Attitude of the Manufacturers of Europe Concerning the Use of Antiseptics and Coloring Matters in Foods.

FIFTH DAY, FRIDAY, SEPT. 30, 1904.

Morning Session, 9 A. M.

- 39 Address—The National Association of State Dairy and Food Departments, Its Organization and Purpose, by Hon. J. B. Noble, State Dairy Commissioner, Hartford, Conn.
- 40 The Enforcement of Law. Wise laws and their enforcements is one of the most important subjects before Congress. The Committee plans to have light thrown upon this question by a series of addresses from the American pioneers in the enforcement of food laws.
Address—
By Hon. N. B. Critchfield, Secretary of Agriculture, Pennsylvania.
By Hon. C. P. Sherwood, Dairy and Food Commissioner, S. D.
By Hon. T. K. Bruner, Secretary North Carolina Board of Agriculture.
By Hon. Horace Ankeney, Food Commissioner, Ohio.
By Hon. J. Q. Emery, Food Commissioner, Wisconsin.

- By Hon. R. O. Eaton, Asst. Dairy Commissioner, Connecticut.
By Hon. E. A. McDonald, Food Commissioner, Washington.
By Hon. Charles A. Whiting, Commissioner of Agriculture, New York.
By Hon. A. B. Smith, Food Commissioner, Michigan.
By Hon. Moroni Heiner, Food Commissioner, Utah.
By Hon. B. H. Warren, Dairy and Food Commissioner, Pennsylvania.
By Hon. W. W. P. McConnell, Food Commissioner, Minnesota.
By Hon. M. A. Scovell, Director Experiment Station, Kentucky.
By Hon. A. H. Jones, Food Commissioner, Illinois.
By B. F. Thompson, Deputy Food Commissioner, Nebraska.
By Hon. George B. Ellis, Secretary Board of Agriculture, Missouri.
By Hon. P. M. Howard, General Agent Dairy Bureau, Massachusetts.
By Hon. A. McPherson, Food Commissioner, Idaho.

Evening Session, Friday, Sept. 30, 1904.

DISTILLED SPIRITS.

- 41 Address—The Manufacture and Ripening of Distilled Products, by Mr. George P. Diehl, Secretary Bottling in Bond Board Universal Exposition Exhibit.
- 42 Address—The Adulteration of Distilled Products, by Mr. Edmund W. Taylor, President Bottling in Bond Board, and Mr. C. W. Mauck, Pittsburg.
- 43 Address—The Little Green Stamp, by Mr. J. O. LaBach, Kentucky.
- 44 Address—Needed Legislation for the Control of the Purity of Distilled Products, by Hon. R. M. Patterson, Chicago, and Mr. T. W. Paxton, Cincinnati, Ohio.

SIXTH DAY, SATURDAY, OCT. 1, 1904.

Morning Session, 9 A. M.

- Report of International Congress Committees.
Executive Session of the National Association of State Dairy and Food Departments.

ADJOURNMENT.

NOTICE.

The Organization Committee of the Congress requests that all members be promptly on hand at time designated on program in order to accomplish the large amount of work planned for the week. In addition to the program other subjects will be introduced if found desirable. All persons wishing to present matters to the Congress should file notice with the secretary.

The Convention will be held in the Hall of Congresses in the Administration Building in the grounds of the Louisiana Purchase Exposition.

On account of the inconvenience of securing mails at hotels and other public distributing places, members and delegates may have their mail sent to Block 21, Palace of Agriculture, care of the Exhibit of the National Association of State Dairy and Food Departments.

Desks and writing material and a stenographer will be in attendance at the exhibit for the convenience of members and guests of the Congress.

Members and delegates should make arrangements for hotel accommodations at once. If desired the secretary will make such reservations in either hotels or private residences upon request. Such requests should be made of him by September 1, 1904.

HEADQUARTERS.

The headquarters of the secretary until Sept. 15th, Lexington, Ky.; after then, care of Block 31, Palace of Agriculture, Exhibit of the National Association of State Dairy and Food Departments, Louisiana Purchase Exposition, St. Louis, Mo.

The hotel headquarters of the Congress will be at the Inside Inn.

The above program arranged and published by the Executive Committee.

A. H. JONES, Chairman,
1623 Manhattan Bldg.,
Chicago, Ill.

Attest: R. M. ALLEN, Secretary,
Lexington, Ky.

U. S. GOVERNMENT
GUARANTEES EACH BOTTLE

Sunny Brook Whiskey




Pure and Properly Aged

GREEN STAMP OVER CORK
PROVES IT




ANNOUNCEMENT

The following Digests of the Food Laws of the different States and Territories have been carefully compiled to the date of publication. We have endeavored to have these Digests as correct and complete as possible, and for that purpose proofs of them were sent to the Food Commissioners of the States having Food Commissions, and in States and Territories where there are no Food Commissions to the Boards of Health, Boards of Agriculture, or Secretaries of State, for approval or correction. The following certificate was enclosed with the proofs:



“I have examined the Digest of the laws of this State regulating the manufacture and sale of food, drug and drink products prepared by Herman B. Meyers for the Journal of Proceedings of The National Association of State Dairy and Food Departments of their Seventh Annual Convention and find the same to be a correct digest of all said laws now in force in this State.”



These certificates were signed by the proper officers and returned with the proofs, corrections having been made wherever necessary.

After that part of this work containing these Digests had been printed some changes and corrections in the Laws, Rulings, Etc., of some States were received, too late to have them incorporated in the original. These changes have been carefully noted in the addenda on page 448 of this work.

NATIONAL ASSOCIATION OF STATE DAIRY AND FOOD DEPARTMENTS.

HERMAN B. MEYERS, Compiler.



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PURE FOOD LAWS OF ALABAMA.

The state of Alabama has few laws on the subject of pure food. It has no Food and Dairy Commission nor any department specifically charged with the enforcement of such laws as are on the statute books, with the exception of that law which prescribes that it is the duty of the Commissioner of Agriculture to "examine into the sale or delivery of any article, product or compound made wholly or partly out of any fat, oil, oleaginous substance, etc.," as hereinafter set forth. A digest of the laws is as follows:

UNWHOLESOME FOOD AND ADULTERATED LIQUORS AND CANDIES.

VOLUME 1, CHAPTER 182, CRIMINAL CODE, 1896.

Sec. 5321. Provides that any butcher or person who sells, offers or exposes for sale, or permits his agent or any person for him to sell, offer or expose for sale any tainted, putrid or unwholesome fish or flesh or the flesh of any animal dying otherwise than by slaughter or slaughtered when diseased for the purpose of being sold or offered for sale, must, on conviction, be fined not less than \$20 nor more than \$200, and may be imprisoned in the county jail or sentenced to hard labor for the county not more than six months.

Sec. 5322. Any baker or person who sells, offers or exposes for sale or permits his agent or any person for him to sell, offer or expose for sale any bread made from sour or unwholesome flour must upon conviction be fined not less than \$20 nor more than \$200, and may be imprisoned as in the foregoing section.

Sec. 5323. Any person who sells, offers or exposes for sale any bread, biscuit or cracker without having the name or the initials of the Christian and surname of the baker legibly marked on each biscuit, cracker or loaf of bread must upon conviction be fined not more than \$20.

Sec. 5324. Any person who counterfeits the name or initials of another on any bread, biscuit or cracker or marks any bread, biscuit or cracker with any other initials or name than his own must on conviction be fined not less than \$20 nor more than \$50.

Sec. 5325. Provides that any merchant, grocer or other person who mixes any foreign matter or substance with sugar, syrup, molasses, lard or butter or other article of food to the detriment thereof or sells, offers or exposes for sale such adulterated sugar, syrup, molasses, lard or butter or other article of food or suffers his servants, agents or other persons

for him to so adulterate, sell, offer or expose for sale such adulterated sugar, etc., as aforesaid, must, on conviction, be fined not less than \$50 nor more than \$500, or may be imprisoned in the county jail or sentenced to hard labor for the county not more than six months.

Sec. 5326. Provides that any person who renders, manufactures, sells, offers or exposes for sale or has in possession with intent to sell or serve to persons, guests, boarders or inmates of any hotel, eating house, restaurant, dining car, boarding house, public or private hospital, school or penal institution any article, product or compound made wholly or in part of any fat, oil, oleaginous substance or compound not produced directly from unadulterated milk or cream from the same which shall be an imitation of yellow butter produced from pure unadulterated milk or cream from the same, must, upon conviction, be fined not less than \$20 nor more than \$200; but this section shall not be construed to prohibit the sale of oleomargarine in such manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter, having it stamped with its true name.

Note. This statute has been held as a valid exercise of the police power.

Sec. 5327. Any manufacturer, brewer, distiller, grocer, tavern-keeper, retailer of spirituous, vinous or malt liquors or any person who makes, distills, sells, offers or exposes for sale or permits his agent or other person for him to do, any such liquors which have been adulterated by the mixing of any poisonous or unwholesome substance or which are composed in whole or in part of any drug or oil, must, upon conviction, be fined not less than \$250 nor more than \$1,000.

Sec. 5328. Provides any person, firm or corporation that shall manufacture, knowingly sell, give away or keep for sale any candies or confectionery of any kind adulterated by the admixture of Terra Alba, Barytes, Talc or other mineral substances, poisonous coloration, flavors or extracts or other ingredients injurious to health, shall be guilty of a misdemeanor punishable by a fine not less than \$50 nor more than \$500, and may be imprisoned in the county jail or sentenced to hard labor for the county not exceeding six months.

VOLUME 1, CIVIL CODE, 1896. DUTY OF COMMISSIONER OF AGRICULTURE.

Sec. 376. Paragraph 20. Provides that he shall from time to time inquire and examine into the sale and delivery in the state of any

JOS. F. SINNOTT



GIBSONTON MILLS
ON THE MONONGAHELA RIVER
MOORE & SINNOTT.
PROPRIETORS & SUCCESSORS TO
John Gibson's Son & Co.
ESTABLISHED 1837

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article, product or compound made wholly or in part out of any fat, oil, oleaginous substance or compound thereof not produced directly at the time of manufacture from unadulterated milk or cream from the same, which shall be an imitation of yellow butter produced from pure, unadulterated milk or cream from the same, and for the purpose of making such in-

vestigation he is authorized to summon and examine witnesses and administer oaths to them whenever he has reason to believe that an offense has been committed against the laws, which it shall be his duty to so report, together with the evidence in the case, to the solicitor of the proper circuit or county to be laid before the grand jury.

DECISIONS OF THE SUPREME COURT OF ALABAMA ON FOOD LAWS.

IMITATION BUTTER LAWS. VALIDITY.

Statutes which prohibit the manufacture of substitutes or imitations of butter are a valid exer-

cise of the police power of the state and as such are constitutional. *Cook vs. State* 110 Ala. 40.

PURE FOOD LAWS OF ALASKA.

The Territory of Alaska has no Food or Dairy Commission nor a department specifically charged with the enforcement of the laws relating to the adulteration of food, drinks and drugs. A digest of such laws as are in force is as follows:

CHAPTER 10. PENAL CODE.

OFFENSES AGAINST PUBLIC HEALTH.

Sec. 156. Provides that if a person knowingly sell any kind of diseased, corrupt or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, such person shall be punished by imprisonment in the county jail not less than three months nor more than one year, or fined not less than \$50 nor more than \$500.

Sec. 157. Provides that if any person adulterate for the purpose of sale any substance intended for meat or drink with any substance injurious to health, or sell or offer for sale any substance so intended, knowing the same to be so adulterated, such person shall be punished as in the last preceding section.

Sec. 158. Provides that if any person shall adulterate for the purpose of sale any drug or medicine so as to render the same injurious to health, or knowingly sell or offer for sale any adulterated drugs or medicine, such person shall be punishable as provided in the preceding section.

Sec. 159. Provides that any person who shall put any sewage, drainage, refuse or pollution, which may as by itself or in connection with other matter corrupt or infect the water

pond which is used or may be used for domestic purposes, they shall be deemed guilty of a misdemeanor.

Sec. 160. Provides that any person who puts a dead animal, carcass or part thereof, excrement, putrid, nauseous or offensive substance, or in any other way befouls or pollutes the quality of any spring, brook, creek, branch or pond of water which is or may be used for domestic purposes, shall be deemed guilty of a misdemeanor.

Sec. 161. Any person violating the provisions of either of the two last preceding sections shall be punishable by fine not less than \$10 nor more than \$50, or imprisoned not less than five nor more than twenty days, or both fine and imprisonment.

Sec. 163. If any person sell or deliver any arsenic, corrosive sublimate, prussic acid or other poison without having the word "Poison" and the true name thereof in English written or printed upon the label attached to the vial, box or parcel containing the same, such person shall be punishable by a fine of not less than \$20 nor more than \$100.

LABELS.

CHAPTER 4.

Sec. 84. Provides that any person who shall knowingly use a brand, label, stamp or trademark in such a manner as to deceive any one shall be punishable by imprisonment in the county jail not less than one nor more than six months, and be fined not less than \$20 nor more than \$300.

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HIGHEST AWARD, PARIS, 1900

MADE AT OWENSBORO, KENTUCKY
BY

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PURE FOOD LAWS OF ARIZONA.

The Territory of Arizona has no Dairy or Food Commission. Under the laws of 1903 a Territorial Board of Health and County Boards of Health were established, and it is made the duty of said Boards within their respective jurisdictions to condemn or cause to be destroyed any diseased article of food that may be offered for sale. It is also made the duty of the Live Stock Sanitary Board to protect the public from unwholesome and diseased meat.

TERRITORIAL BOARD OF HEALTH.

Alexander O. Brodie, Governor of Arizona, President.

Hon. Ed. W. Wells, Attorney General of Arizona, Vice-President.

Robert M. Dodsworth, M. D., Superintendent of Public Health, Secretary of Board.

TITLE X.

PENAL CODE.

Sec. 331. Provides that every person who adulterates any article of food, drink, drug, medicine, spirituous or malt liquor or wine, or any article used in compounding them, with fraudulent intent to offer the same or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, keeps or offers for sale the same as unadulterated or undiluted is guilty of a misdemeanor.

Sec. 338. Provides that any person who knowingly sells, offers for sale or disposes of any article of food, drug, drink or medicine, knowing the same to be tainted, decayed, spoiled, unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

Sec. 310. Every person who sells or keeps for sale any goods upon which any counterfeit trade-mark has been affixed intending to represent such goods as the genuine goods of another, knowing the same to be counterfeit, is guilty of a misdemeanor.

Sec. 312. The term "trade-mark" as used in section 310 includes every description of words, letters, devices, emblems, stamp, brand, imprint, label or wrapper usually affixed by any merchant, manufacturer, druggist or tradesman to denote any goods to be goods imported, manufactured or sold by him, other than any name, word or expression denoting goods to be of some particular class or description.

Sec. 348. Provides that every person or corporation who shall manufacture for sale or

who shall offer or expose for sale within the Territory of Arizona any article or substance in semblance of butter not the legitimate product of milk or cream, into which the oil or fat of animals not produced from milk enters as a component part, or into which the oil or fat of animals not produced from milk has been introduced to take the place of cream, shall distinctly brand, stamp or mark in some conspicuous place on each package of such article or substance the word "Oleomargarine" in plain letters, not less than one-quarter of an inch square. In case of retail sale of such article or substance the seller shall in all cases deliver therewith to his customer or purchaser a printed label bearing the plainly printed word "Oleomargarine," the word to be printed with type, each letter of which shall not be less than one-quarter of an inch square.

Sec. 349. Every person selling or retailing any article or substance described in section 348 shall keep conspicuously printed in not less than three exposed positions in or about their respective places of business a printed notice in the following words: "Oleomargarine sold here," said notice to be plainly printed with letters not less than two and one-half inches square each, and every hotel keeper, restaurant or boarding-house keeper or proprietor of other places where meals are furnished for pay using such article described in section 348 shall, upon furnishing the same to his guests or customers, if inquiry in the matter be made, cause each and every guest or customer to be distinctly informed that the said article is not butter, but oleomargarine.

Sec. 350. Any person violating any of the provisions of the two preceding sections is guilty of a misdemeanor.

TERRITORIAL BOARD OF HEALTH.

LAWS OF 1903.

Sec. 4. The Board shall have power and it shall be its duty:

Subdivision 7. To condemn or cause to be destroyed any impure or diseased article of food that may be offered for sale.

COUNTY BOARDS OF HEALTH.

Sec. 9. The several County Boards of Health shall have power, within their respective county, outside the corporate limits of cities having a City Board of Health, subject to the supervisory control of the Territorial Board of Health and the Superintendent of Public Health, to do and perform all things mentioned in subdivisions * * * 7, * * * of Sec. 4.

SAM THOMPSON PURE RYE WHISKEY

MADE ON THE MONONGAHELA RIVER,
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Thompson Distilling Co., Pittsburg, Pa.

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KENTUCKY
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LOUISVILLE, KY.



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THE FAMOUS**

**"KENTUCKY
DEW"**

**STANDARD
OF PURITY**

"OLD TIMES" WHISKEY

FIRST PRIZE WORLD'S FAIR

OLD TIMES DISTILLERY CO.

LOUISVILLE, KENTUCKY

SESSION LAWS OF 1903.

An act to regulate the practice of pharmacy and sale of poisons in the Territory of Arizona.

Sec. 8. No person shall add to or take from or cause to be added to or reserved from any drug, chemical or medical preparation any ingredient or matter for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value or medicinal effect, or alter the nature or composition of such article, and no person shall knowingly sell or offer for sale any such adulterated, altered or substituted drug, chemical or medicinal preparation, without informing the purchaser of the adulteration or sophistication of the article sold or offered for sale.

Any person who shall willfully violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action, and for the first offense be liable to a fine not exceeding \$50, and for each subsequent offense a fine of not less than \$50 or more than \$100. said fine to be paid over to the said Board of Pharmacy.

Sec. 10. Provides that general dealers shall not come under the provisions of this act in so far as it relates to the keeping for sale of proprietary medicines in original packages of drugs and medicines, but in no case shall they compound or prepare any pharmaceutical preparation or prescription.

REGULATIONS OF THE TERRITORIAL BOARD OF HEALTH OR ARIZONA.

RULE IV.

Whenever it shall come to the knowledge of the Superintendent of Public Health, that adulterated, impure or diseased milk or other food is being offered for sale or sold at any point within the Territory, the said superintendent shall cause the local board of health to examine into the case, and report the facts to said Superintendent, who, if he becomes satisfied from his own investigation of the case, finds that such milk or other food is being sold or offered for sale and is injurious, may condemn said milk or other food and cause the same to be destroyed and the sale thereof discontinued.

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8 varieties

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75 varieties

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24 varieties

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Monarch Teas
12 varieties

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22 varieties

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PURE FOOD LAWS OF ARKANSAS.

This state has not made any provision for a Food and Dairy Commission, nor have its laws specifically charged any department with the enforcement of what few laws there are on the subject of Pure Food, with the exception of that law which provides that the Governor shall appoint a competent Inspector of Wine as hereinafter set forth, but it does not appear that said Inspector is charged with the inspection of any other articles of food, drink or medicine. A digest of the laws is as follows:

UNWHOLESOME MEAT, FISH, VEGETABLES, ETC. CHAPTER 48.

Sec. 1585. Provides that whoever shall knowingly sell, offer or expose for sale, or bring or have brought to this state or sell or offer for sale, or have in possession with intent to sell for food the flesh of any animal that died otherwise than by slaughter, or slaughtered when diseased, or sell or offer for sale the flesh as of one animal knowing it to be another species, or offer for sale any tainted, diseased, corrupt, decayed or any unwholesome meat, fish, fowls, vegetables or produce or provisions of any kind whatever, without making the same fully known to the purchaser, or sell or offer to sell the meat of any calf which was killed before it had attained the age of six weeks, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding six months.

ADULTERATED BUTTER.

Sec. 1586. Whoever shall sell any article, substance or compound made in imitation or semblance of butter or as a substitute therefor, not made exclusively of milk or cream, containing any oils, fats or grease not produced from milk or cream, shall have the words "Adulterated Butter": or if such substitute is a compound known as "Oleomargarine" or "Butterine," or if it is known by any other name, the word "Oleomargarine" or "Butterine," or such name as shall describe it properly, shall be stamped, labeled or marked in printed letters of plain Roman type, not less than one inch in length, not easily defaced, upon the top and side of every tub, firkin, box or package containing such article or compound; and in case of retail sales of such articles, substance or compound the seller shall attach or cause to be attached to each package so sold and delivered therewith to the purchaser a label appearing in a conspicuous place upon the outside of such

package with the words "Adulterated butter" or the word "Oleomargarine" or "Butterine" or such other word or words as will correctly describe such article, as hereinbefore provided, in printed letters of plain Roman type, not less than one-half inch in length.

Sec. 1587. Whoever shall sell or expose for sale or possess with intent to sell any article, substance or compound in imitation or semblance of butter or as a substitute therefor, except as provided in Sec. 1586, and whoever shall deface, erase, cancel or remove any mark, stamp, brand or label provided for by this act, or change the contents of box, tub, firkin or package marked, stamped or labeled as aforesaid, with intent to deceive the purchaser, shall be guilty of a misdemeanor, and upon conviction be fined not less than \$50 nor more than \$500.

Sec. 1588. If any hotel, inn or restaurant or boarding-house keeper shall set before his guests at any meal any of said article, substitute or compound, the dish or plate holding the same shall have clearly and visibly marked on some prominent part thereof the words "Adulterated butter," or the word "Oleomargarine" or "Butterine," or such word or words as may correctly describe such article in said dish or plate.

Sec. 1589. Whoever shall violate the provisions of Sec. 1588 shall be guilty of a misdemeanor and upon conviction fined not less than \$5 nor more than \$100.

Sec. 1590. The term "Butter" shall be understood to mean the product known by that name, which is manufactured exclusively from milk and cream.

SESSION LAWS OF 1901. PAGE 180.

ACT CXIII.

ADULTERATED CANDY.

Sec. 1. Provides against the sale or offering for sale of any candy adulterated by the admixture of Terra Alba, Barytes, Tale or any other mineral substances consisting of or adulterated by poisonous colors or flavors or other ingredients detrimental or injurious to health.

Sec. 2. Provides a fine for violation of this act not to exceed \$100 nor less than \$50.

Sec. 3. Provides that such candy shall be destroyed under orders of the court.

Sec. 4. Repeals all laws conflicting herewith and provides this act shall take effect from and after its passage.

Approved April 20, 1901.



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Wild Rose Brand Honey

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PRESERVES and
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Secretary and Agent.



WILLIAM H. SAYLOR,
Chemist and Assistant Secretary.

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PURE FOOD LAWS OF CALIFORNIA.

DAIRY AND PURE FOOD LAWS OF THE STATE OF CALIFORNIA.

The dairy laws of the State of California are enforced by a State Dairy Bureau; while the laws against the adulteration of other articles of food are left to be enforced in like manner as other misdemeanors and felonies, there being no department specifically charged with enforcing the same. The Dairy Bureau consists of the following members:

John A. Bliss, of Alameda County, Chairman and Treasurer.

Dr. Thos. Flint, of San Benito County.

John Flannery, of Santa Clara County. (Deceased.)

John M. Thomas, agent and secretary

Wm. H. Saylor, chemist and assistant secretary.

The office of the State Dairy Bureau is located at No. 114 California street, San Francisco, Cal. The members of the Dairy Bureau are appointed by the Governor, under the law hereinafter set out, which provides that the Governor shall appoint three resident citizens of the state having practical experience in the manufacture of dairy products to constitute a State Dairy Bureau. They hold their office for a period of four years. The law requires that the members of the State Dairy Bureau shall serve without compensation, but there are certain sums of money appropriated annually, out of money in the treasury not otherwise appropriated, for carrying on the work of said bureau.

The dairy and food laws are as follows:

LAW RELATIVE TO BUTTER AND CHEESE.

Section 1. That for the purposes of this act every article, substance or compound, other than that produced from pure milk or cream from the same, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk, or cream from the same, is hereby declared to be imitation butter; and that for the purposes of this act every article, substance or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese and designated to be used as substitute for cheese made from pure milk, or cream from the same, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; and *provided*, that nothing in this section shall prevent

the use of pure skimmed milk in the manufacture of cheese.

Sec. 2. No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale or have in his possession with intent to sell or use or serve to patrons, guests, boarders or inmate, in any hotel, eating-house, restaurant, public conveyance or boarding-house or public or private hospital, asylum or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product or compound shall be colored in imitation of butter or cheese produced from unadulterated milk, or cream from the same; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds designed to be used as an imitation or as a substitute for butter or cheese made from pure milk, or cream from the same, in a separate and distinct form and in such a manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter or cheese made from pure milk or cream, the product of the dairy.

Sec. 3. Each person who, by himself or another, lawfully manufactures any substance designed to be used as a substitute for butter or cheese shall mark by branding, stamping or stenciling upon the top and sides of each tub, firkin, box or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner, in the English language, the words "substitute for butter" or "substitute for cheese," as the case may be, in printed letters in plain Roman type, each of which shall not be less than one inch in height by one-half inch in width, and in addition to the above shall prepare a statement, printed in plain Roman type, of a size not smaller than pica, stating in the English language its name and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box or other package, and next to that portion of each tub, firkin, box or other package as is commonly and most conveniently



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OR

THE LOS ANGELES OLIVE GROWERS ASS'N
LOS ANGELES, CAL.

opened; and shall label the top and sides of each tub, firkin, box or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "substitute for butter" or "substitute for cheese."

Sec. 4. No person, by himself or another, shall knowingly ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided by section 3 of this act; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured, marked and labeled as hereinbefore provided; consigned and by the carrier receipted for by its true name; *provided*, that this act shall not apply to any goods in transit between foreign states and across the state of California.

Sec. 5. No person or his agent shall knowingly have in his possession or under his control any substance designed to be used as a substitute for butter and cheese, unless the tub, firkin, box or other package containing the same shall be clearly and durably marked and contain a copy of the statement, and be labeled as provided by section 3 of this act; and if the tub, firkin, box or other package be opened, then a copy of the statement described in section 3 of this act shall be kept, with its face up, upon the exposed contents of said tub, firkin, box or other package; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family.

Sec. 6. No person, by himself or another, shall sell or offer for sale or take orders for the future delivery of any substance designed to be used as a substitute for butter or cheese, under the name of or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser, at the time of the sale, a separate and distinct copy of the statement described in section 3 of this act; and no person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery" or "dairy," or the representation of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols or combinations thereof, commonly used

by the dairy industry in the sale of butter or cheese.

Sec. 7. No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch-counter or other place of public entertainment, or any person having charge thereof or employed thereat, or any person furnishing board for others than members of his own family, or for any employes where such board is furnished as the compensation or as a part of the compensation of any such employe, shall place before any patron or employe, for use as food, any substance designed to be used as a substitute for butter and cheese, unless the same be accompanied by a copy of the statement described in section 3 of this act, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

Sec. 8. No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this act by or through any person who was knowingly a party to such wrongful sale or other contract.

Sec. 9. Every person having possession or control of any substance designed to be used as a substitute for butter and cheese which is not marked as required by the provisions of this act shall be presumed to have known, during the time of such possession or control, that the same was imitation butter or imitation cheese, as the case may be.

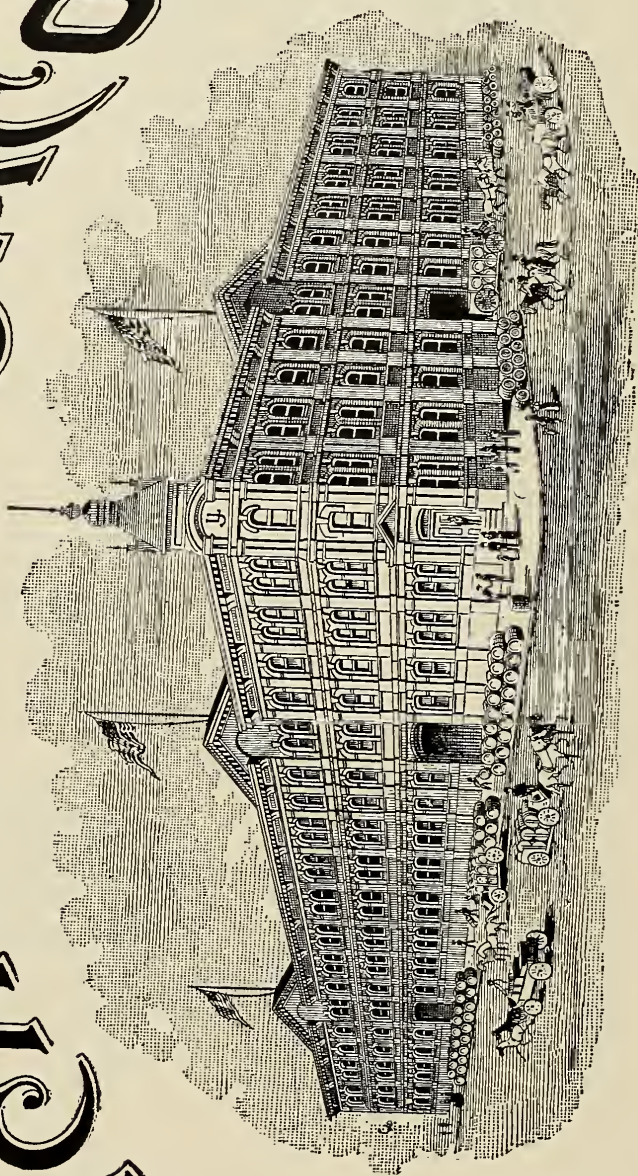
Sec. 10. No person shall efface, erase, cancel or remove any mark, statement or label provided for by this act, with intent to mislead, deceive or to violate any of the provisions of this act.

Sec. 11. No butter or cheese not made wholly from pure milk or cream, salt, harmless coloring matter, shall be used in any of the charitable or penal institutions that receive assistance from the state.

Sec. 12. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than \$50, nor more than \$150, or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense by a fine of not less than \$150 nor more than \$300, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment, at the discretion of the court. One-half of all the fines collected under the provisions of this act shall be paid to the person or persons furnishing information upon which conviction is procured.

Sec. 13. Whoever shall have possession or control of, any imitation butter or imitation cheese, or any substance designed to be used as

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substitute for butter or cheese, contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter 3, title 12 of part 2 of an act to establish a penal code; *provided*, that it shall be the duty of the officer who serves a bench warrant issued for imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, to deliver to the agent of the Dairy Bureau, or to any person by such Dairy Bureau authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese or substance designed to be used as a substitute for butter or cheese, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section 1536 of an act to establish a penal code; but if any sample be found not to be imitation butter or imitation cheese, or a substance designed to be used as a substitute for butter or cheese, it shall be returned forthwith to the person from whom it was taken.

Sec. 14. It shall be the duty of the district attorney, upon the application of the Dairy Bureau, to attend the prosecution, in the name of the state, of any suit brought for the violation of any of the provisions of this act within his district.

Sec. 15. The Governor shall, on or before the 1st day of July, 1897, appoint three resident citizens of this state, who shall have practical experience in the manufacture of dairy products, to constitute a State Dairy Bureau, and which shall succeed to the one now in existence in every respect. Members of this bureau shall hold office for the period of four years from and after the 1st day of July, 1897, and until their successors are appointed and qualified; *provided*, that the first members appointed under the provisions of this act shall at their first meeting so classify themselves by lot as that one shall go out of office at the expiration of two years, one at the expiration of three years and the other at the expiration of four years. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members of said bureau shall serve without compensation, and within twenty days after their appointment shall take the oath of office as required by the constitution, and they shall thereupon meet and organize by electing a chairman and treasurer. Any one of them may be removed by the Governor for neglect or

violation of duty. They shall make a report in detail to the legislature not later than the first day of December next preceding the meetings thereof.

Sec. 16. It shall be the duty of the State Dairy Bureau to secure, as far as possible, the enforcement of this act. The State Dairy Bureau shall have power to employ an agent at a salary of \$1,200 a year and such assistants or chemists as from time to time may be necessary thereof.

Sec. 17. There is hereby appropriated for the use of the State Dairy Bureau, out of any money in the state treasury not otherwise appropriated, the sum of \$5,000 for each fiscal year hereafter, and commencing with the forty-ninth fiscal year. All salaries, fees, costs and expenses of every kind incurred in the carrying out of the law shall be drawn from the sum so appropriated, and the state controller shall draw his warrant on the state treasurer in favor of the person entitled to the same.

Sec. 18. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 19. This act shall take effect immediately.

DAIRY INSPECTION LAW.

CHAPTER CXXXVI, STATUTES OF 1899.

Section 1. No person or persons, firms or corporation shall sell or offer for sale, or have in his or their possession for sale, any impure or unwholesome milk or any article of food manufactured therefrom, or of any cream from the same, or milk drawn from cows, either fifteen days before or five days following parturition, or from cows fed on unwholesome food, or from cows affected with any disease of live stock, contagious, infectious or otherwise capable of producing such pathological changes as will cause the products from said animals to become unwholesome for food.

Sec. 2. It shall be the duty of the State Dairy Bureau, by its general agent and assistant agents, from time to time, as may be required, upon complaint made to it of the existence of any disease among dairy stock or of unsanitary conditions, as mentioned and referred to in this act, to inspect all the dairies and creameries in the state so complained of and to carefully investigate the sanitary conditions of the same. Said bureau, by its agents and assistant agents, shall at the same time inspect all cattle, horses and hogs belonging, in use by or appurtenant to such dairies and creameries, for infectious and contagious diseases, such as are enumerated in section 1 of this act; and after such inspection, if said agent or assistant agent believes, or has reason to believe, that any contagious or infectious disease exists among the stock inspected, he shall

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immediately notify the state veterinarian of the same, setting forth the facts of the case, and he shall forthwith act upon such report.

Sec. 3. The State Dairy Bureau shall, and they are hereby directed to, appoint from time to time as many assistant agents, not exceeding twenty, as in their judgment may be required to carry out the provisions of this act, and to fix their compensation, not to exceed \$4 per day while actually employed, exclusive of their actual and necessary expenses. Whenever competent assistant agents can be found in counties or districts where such inspection is to be made, the State Dairy Bureau, by its general agent, shall appoint an assistant agent as inspector, who is not an owner of nor interested in any dairy, subject to the approval of the bureau, and such appointment shall be entered on the minutes of the bureau; *provided*, that such assistant agent shall have had practical experience in the manufacture of dairy products and the care and handling of stock.

Sec. 4. All persons employed by the bureau to carry out the provisions of this act shall render, under oath, to the State Dairy Bureau, on or before the fifth day of each and every month, an itemized statement of the number of days they were actually employed during the preceding month; also an itemized statement of their actual expenses, with receipted vouchers attached thereto, for all sums exceeding one dollar, excepting railroad fares.

Sec. 5. Whenever in the judgment of the state veterinarian it shall, for the purposes of this act, be necessary to slaughter any animal or animals reported to him by said agent or assistant agent, he shall certify his reasons therefor to the agent ordering such inspection. The agent or assistant agent shall notify the owner or owners, or the person or persons in charge of the animal or animals, of the decision of said state veterinary surgeon, and shall order the animal or animals specified in the veterinary surgeon's certificate to be slaughtered immediately. Any animal or animals so slaughtered shall not be sold or removed, but shall be destroyed at the expense of the owner or owners, or the person or persons in charge of such animal or animals, under the direction and supervision of the agent or assistant agent ordering the animal or animals slaughtered, as may be specified by the state veterinarian.

Sec. 6. Whenever the agent or assistant agents of the bureau inspect any dairy, creamery or other place where milk is produced or where products are manufactured from the same, including barns, corrals, hog yards and places used for stock purposes, and utensils used in dairies and creameries, and finds the same not in good sanitary condition, he shall

direct in writing such changes to be made as will put the same in good sanitary condition. Such written directions shall be served on the owner or owners, or upon the person or persons having charge of the premises, giving the parties so notified thirty days to make such changes as directed. If such changes are not made within thirty days, the person or persons refusing or neglecting to make such changes as directed shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as hereinafter prescribed.

Sec. 7. Whenever any infectious or contagious disease affecting dairy stock shall be brought into or break out in this state, the State Dairy Bureau, by its agent and assistant agents, shall take prompt measures to suppress the same and to prevent such disease from spreading, and for that purpose shall immediately notify the state veterinarian and he shall forthwith inspect the matters so reported and act thereon.

Sec. 8. The agent or assistant agents shall also have the power to require each and every person, firm or corporation having any stock in his or her possession or under his or their control to drive the same into corrals or small inclosures for the purpose of inspection. Said agent shall give at least twenty-four hours' notice to the parties of the time he requires such stock to be corralled; *provided*, that where it is impracticable to corral stock on large stock ranges, the owner or the person or persons having control of the same shall go with the agent or send some person to point out the stock to be inspected.

Sec. 9. It shall be the duty of the district attorney of each and every county of this state upon application of the agent or assistant agents of the State Dairy Bureau, to attend to the prosecution, in the name of the state, of any action brought for the violation of any of the provisions of this act within his district.

Sec. 10. Any person or persons, firms or corporations refusing or neglecting to comply with or conform to the provisions of this act, when required to do so by the agent or assistant agents of the State Dairy Bureau, or who shall in any manner interfere with them in the performance of their duties under this act, shall be guilty of a misdemeanor. Whoever shall violate any of the provisions or sections of this act shall be guilty of a misdemeanor. All fines collected under the provisions of this act shall be paid to the agent of the State Dairy Bureau and by said bureau paid into the state treasury.

Sec. 11. For the purpose of obtaining accurate information regarding the dairy industries of the state, the Dairy Bureau shall annually require in writing from each owner or

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Extra Lemon Cling Peaches.
Extra Sliced Lemon Cling Peaches for Cream.
Extra Bartlett Pears.
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manager of a dairy, owning or controlling any dairy stock exceeding one dozen cows in number, a report showing location of dairy, number and breed of all dairy stock in use or appurtenant thereto, together with such other pertinent information as said bureau may require. Information thus obtained shall be embraced in the annual report of the Dairy Bureau.

Sec. 12. It shall be the duty of the State Dairy Bureau now provided by law, by its general agent, to enforce the provisions of this act. Such agent shall receive an additional salary of \$50 per month, payable out of the money appropriated for the enforcement of this act.

Sec. 13. There is hereby appropriated for the use of the State Dairy Bureau in enforcing and carrying out the provisions of this act, out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars (\$1,000) for the remainder of the fiftieth fiscal year; three thousand seven hundred and fifty dollars (\$3,750) for the last six months of the fifty-first fiscal year, and five thousand dollars (\$5,000) for the fifty-second fiscal year.

Sec. 14. All salaries, fees, costs, and expenses shall be drawn from the money so appropriated, and the state controller shall draw his warrant on the state treasury in favor of the person or persons entitled to the same; *provided*, that the State Board of Examiners are hereby specially prohibited from granting or allowing any deficiency to the State Dairy Bureau for the purposes of this act; *and provided further*, that in no event shall there be more agents or assistant agents employed or expenses incurred under this act than the appropriations herein made will pay for the respective periods for which they are made.

Sec. 15. This act shall take effect immediately.

"PROCESS" BUTTER LAW. STATUTES OF 1899.

Section 1. No person or persons, firms or corporations, shall sell or offer for sale, or have in his or their possession for sale, any butter manufactured by boiling, melting, deodorizing, or renovating, which is the product of stale, rancid, or decomposed butter, or by any other process whereby stale, rancid, or decomposed butter is manufactured to resemble or appear like creamery or dairy butter, unless the same is plainly stenciled or branded upon each and every package, barrel, firkin, tub, pail, square, or roll, in letters not less than one-half inch in length, "process butter" or "renovated butter," in such a manner as the purchaser will be advised of the real character of such "process" or "renovated" butter.

Sec. 2. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor.

Sec. 3. It shall be the duty of the district attorney of each and every county of this state, upon application, to attend to the prosecution, in the name of the state, of any action brought for the violation of any of the provisions of this act within his district.

Sec. 4. The State Dairy Bureau, by its agent and assistant agents, is hereby authorized and directed to enforce all of the provisions of this act. All fines and penalties for the violation of this act shall be paid to the agent or assistant agents of the State Dairy Bureau and by said bureau paid to the state treasurer.

Sec. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 6. This act shall take effect on and after its passage.

CHEESE GRADING LAW.

Section 1. Every person or persons, firm, or corporation, who shall at any creamery, cheese factory, or private dairy, manufacture cheese in the state of California, shall, at the place of manufacture, brand distinctly and durably on the bandage of each and every cheese manufactured and upon the package or box, when shipped, the grade of cheese manufactured, as follows: "California Full-Cream Cheese," "California Half-Skim Cheese," and "California Skim cheese."

Sec. 2. All brands for branding the different grades of cheese shall be procured from the State Dairy Bureau, and said bureau is hereby directed and authorized to issue to all persons, firms, or corporations, upon application therefor, uniform brands, consecutively numbered, of the different grades specified in section 1 of this act. The State Dairy Bureau shall keep a record of each and every brand issued, and the name and location of the manufacturer receiving the same. No manufacturer of cheese in the state of California, other than the one to whom such brand is issued, shall use the same, and in case of a change of location the party shall notify the bureau of such change.

Sec. 3. The different grades of cheese are hereby defined as follows: Such cheese only as shall have been manufactured from pure milk, and from which no portion of the butter fat has been removed by skimming or other process, and having not less than 30 per cent of butter fat, shall be branded as "California Full-Cream Cheese"; and such cheese only as shall be made from pure milk, and having not less than 15 per cent of butter fat, shall be branded "California Half-Skim Cheese"; and such cheese

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only as shall be made from pure skim-milk shall be branded "California Skim Cheese"; *provided*, that nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pineapple," "Limburger," Swiss or hand-made cheese, not made by the ordinary Cheddar process.

Sec. 4. No person or persons, firms or corporations, shall sell or offer for sale any cheese manufactured in the state of California not branded by an official brand and of the grade defined in section 3 of this act.

Sec. 5. Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50), or by imprisonment in the county jail for not exceeding twenty-five days; and for each subsequent offense by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), or by imprisonment in the county jail for not less than fifty days nor more than one hundred days, or both such fine and imprisonment, at the discretion of the court.

Sec. 6. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 7. This act shall take effect sixty days after its passage.

FALSE TEST OF DAIRY PRODUCTS.

Sec. 381 a. Provides that any person, whether principal, agent, or otherwise, who buys or sells dairy products or deals in milk, cream, or butter, or buys or sells same upon the basis of their richness, or weight, or percentage of cream or butter fat contained therein, who uses any apparatus or other provisions, or uses the "Babcock Test" or a machine of like character for testing such products which is not accurate and correct or gives wrong or false percentages or is calculated in any way to defraud or injure the person with whom he deals, is guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or imprisoned in the county jail not more than six months.

FOOD LAWS.

FRAUDULENTLY INCREASING WEIGHT OF GOODS.

TITLE X.

Sec. 381. Provides that every person who puts or sells in any bag, bale, box, barrel, or other package in which goods are usually sold by weight, anything whatever for the purpose of increasing the weight of such bag, bale, package, etc., with intent thereby to sell the goods therein or enable another to sell the same for an increased weight, is punishable by a fine not less than \$25 for each offense.

ADULTERATING FOOD, DRUGS, LIQUORS, ETC.

Sec. 382. Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted; and every person who fraudulently sells, or keeps, or offers for sale the same, as unadulterated or undiluted, or who, in response to an inquiry for any article of food, drink, drug, medicine, spirituous or malt liquor or wine, sells or offers for sale, a different article, or an article of a different character or manufacture, without first informing such purchaser of such difference, is guilty of a misdemeanor; provided, that no retail dealer shall be convicted under the provisions of this section if he shall prove a written guarantee of purity obtained from the person from whom he purchased such adulterated or diluted goods.

As amended by Act approved March 21, 1903.

DISPOSING OF TAINTED FOOD, ETC.

Sec. 383. Provides that every person who knowingly sells, keeps or offers for sale, or disposes of any article of food, drink, drug, or medicine knowing the same is adulterated, or has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor and may be fined not less than \$25 nor more than \$100, or imprisoned in the county jail not exceeding 100 days, or both; and may be adjudged to pay all the necessary expenses not exceeding \$50 incurred in inspecting and analyzing such articles.

The term "drug" as used herein includes all medicines for internal and external use, antiseptics, disinfectants, and cosmetics. The term "food" as used herein includes all articles used for food or drink by man, whether simple, mixed, or compound. An article is deemed to be adulterated within the meaning of this section:

(a) In the case of drugs: (1) If when sold under or by name recognized in the United States Pharmacopœia it differs materially from the standard of strength, quality, or purity laid down herein; (2) if when sold under or by a name not recognized in the United States Pharmacopœia, but found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid in such work; (3) if its strength, quality, or purity falls below the professed standard under which it was sold.

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(b) In the case of food: (1) If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength, or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part extracted from it; (4) if it is an imitation of or sold under the name of another article; (5) if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable, substance or article, whether manufactured or not, and in the case of milk if it is produced from a diseased animal; (6) if it is colored, coated, polished, or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health.

LABELING DRUGS.

Sec. 380. Every apothecary, druggist, or other person carrying on business as a dealer in drugs or medicine, who, in putting up any such articles or making up any prescriptions or filling orders therefor, who willfully, negligently, or ignorantly omits to label the same or puts an untrue label or stamp, or other designation of contents upon any box, bottle, or other package containing any drugs, or substitutes a different article for the article ordered, or puts up a greater or less quantity of such article than is prescribed, or otherwise deviates from the terms of the prescription, in consequence of which the human life is injured, is guilty of a misdemeanor, or, if death ensues, is guilty of a felony.

ADULTERATING CANDY.

Sec. 402a. Every person who adulterates candy by using in its manufacture Terra Alba or any other deleterious substance, or sells or

keeps for sale any candy or candies adulterated with Terra Alba or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor.

LABELING FRUIT.

SESSION LAWS 1903.

Sec. 1. All fruit, green or dried, contained in boxes, barrels, or packages, which shall hereafter be shipped, or offered for shipment in this state, by any person, firm, or corporation, shall have stamped, branded, stenciled or labeled, in a conspicuous place on the outside of every such box, barrel, or package, in clearly legible letters, at least one-fourth inch in height, a statement, truly and correctly designating the county and immediate locality in which such fruit was grown.

Sec. 2. Any person, firm, or corporation, violating any of the provisions or requirements of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum, not less than \$200 nor more than \$500.

Sec. 3. The Governor of the State of California, after the passage of this Act shall appoint such inspectors as may be necessary to accomplish the purpose of this Act, to serve without compensation, who are hereby invested with full authority to enter any car, or depot containing fruit for shipment; or any ware house, packing house, store room, or other place or places where any fruit is kept, packed, or prepared for shipment, to inspect the same, or any part thereof. Such inspectors are also invested with full authority to examine such books of any person, firm, or corporation engaged in packing or shipping fruit, as may be necessary to accomplish the purposes of this Act.

Sec. 4. This Act shall take effect immediately on and after its passage.

DECISIONS OF THE SUPREME COURT OF CALIFORNIA ON FOOD LAWS.

WINE. It is not unconstitutional to prohibit the sophistication of adulteration of wine, as it is not unreasonable to such an extent that it becomes a ban on the sale of wine, so as to deprive persons of their property without due process of law. *Ex parte Kohler*, 74 Cal. 38.

Constitutionality. The act of March 7, 1887, in regard to wine which is in part as follows in its title "to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," sufficiently complies with Sec. 24, Art. 4, of the Constitution, which reads in part, "Every act shall embrace but one subject, which subject shall be

embraced in its title." *Ex parte Kohler*, 74 Cal. 38.

Sec. 8 of the act of March 7, 1887, in regard to the adulteration of wine, is in part as follows: "It is desired and required that every grower, manufacturer, trader, handler or bottler of California wines," etc., shall plainly stencil brand, or have printed where it will be seen (1) "Pure California Wine" and (2) his name or the firm name, but under the same a stamp need not be placed on pure California wine stating that it is pure California wine, and a person is not liable for a failure to so place a stamp, provided the wine is pure, as the act is not mandatory to such an extent. *Id.*

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MRS. MARY WRIGHT,
State Dairy Commissioner.



ELLA L. WRIGHT,
Deputy State Dairy Commissioner.

COLORADO DAIRY COMMISSION.

PURE FOOD LAWS OF COLORADO.

The Dairy Laws of the State of Colorado are administered by a State Dairy Commissioner. He may appoint a deputy and also a practical chemist to assist him in the performance of his duty. The present officers of the commission charged with the enforcement of the Dairy Laws of Colorado are as follows:

Mrs. Mary Wright, Commissioner.

Ella L. Wright, Deputy Commissioner.

The laws against the adulteration of other articles of food are enforced in like manner as the laws against other misdemeanors.

A digest of the Dairy Laws which it is the duty respectively of the officers so named to enforce is as follows:

Section 1. The Governor shall appoint a practical dairyman as the Colorado State Dairy Commissioner for the term of two years, at an annual salary of \$1,200. Said Commissioner for at least one year preceding his appointment shall have been actually engaged in the business of dairying. He shall make semi-annual reports on or before June 20 and December 20 of each year to the Governor.

Sec. 2. The Commissioner shall have power to appoint a deputy at a salary of \$1,000 per year. He shall also have power to appoint a practical chemist at a salary of \$10 a day while actually engaged.

Sec. 3. The Commissioner and his deputy shall be entitled to their necessary traveling expenses while discharging their official duties.

Sec. 4. Prohibits the sale or use or service to patrons, guests, boarders, or inmates of any hotel, eating-house, restaurant, public conveyance or boarding-house, or public or private hospital, asylum, school, or eleemosynary or penal institution, of any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof not produced from unadulterated milk or cream from the same; and declares it a misdemeanor to violate this section, punishable as hereinafter provided; *Provided*, this act shall not prohibit the manufacture or sale of oleomargarine or filled cheese in a separate and distinct form, and if sold in such a manner as will advise the consumer of its real character, free from colorations or any ingredient that causes it to look like cheese or yellow butter.

NOTE—The Commissioner's office has been provided with a fine polariscope, which enables it, in most cases, to positively determine whether the suspicious sample is butter or not, so that the office is put to the expense of a chemical analysis only of those samples where it is necessary to prosecute the case.

Sec. 5. Provides that every cheese manufacturer who shall fail to distinctly and durably stamp on the bandage of every cheese manufactured, and on the box containing the same, in full-faced capital letters, the grade of the same, as "Colorado Full Cream," "skimmed," or "imitation" cheese, as hereinafter defined, is guilty of a misdemeanor, punishable as hereinafter provided. Brands and stencils for stamping shall be procured of the State Dairy Commissioner.

Sec. 6. The State Dairy Commissioner is authorized to issue to any cheese factory in the state, upon proper application, uniform stencils and brands to be used as hereinafter provided in section 5 hereof. All cheese containing not less than 35 per cent of butter fat in comparison with the total solids shall be branded "Colorado Full Cream Cheese." All containing less than the above described amount of fat shall be branded "skim cheese." All cheese into which any foreign fats or other oleaginous substance, or the fats of stale, rancid, foul or impure butter have been introduced, shall be branded "imitation cheese."

Sec. 7. The State Dairy Commissioner shall issue the brands provided for in section 6, and keep a book containing a record of the number of each brand issued and the name and location of each factory receiving the same, and no factory other than the one to which such brand shall have been issued shall use same.

Sec. 8. The Colorado State Dairy Commissioner shall have power to examine under oath any person whom he may believe has knowledge concerning the sale or use of imitations of butter or cheese; he is empowered to issue subpoenas requiring the appearance of witnesses and the production of books and papers, and may administer oaths with like effect as in any courts of law in this state. Any district court or county court shall issue an attachment for such witnesses on application of the Commissioner, and compel them or any of them to attend before the Commissioner and give testimony; and said court or judge shall have power to punish for contempt as in other cases.

Sec. 9. Inspectors of milk in cities and incorporated towns and the Colorado State Dairy Commissioner or his deputy shall, and any other person may, institute complaint before any justice of the peace or county court, and the district attorney or his deputy shall file information in the district court for a violation of the provisions hereof, and it shall be the duty of such attorney to prosecute complaints or

information when the same may have been instituted.

Sec. 10. The Dairy Commissioner or any inspector of milk in cities shall enter all places where they have reason to believe that butter or cheese or imitations thereof may be stored or kept for sale or kept for the purpose of being offered for the use of patrons or customers, and take samples for analysis by a practical chemist; such analysis shall be recorded and preserved as evidence; the certificate of such result, sworn to by such chemist, shall be admitted in evidence in all prosecutions; *Provided*, that the person accused may subpoena such chemist into court. The expenses of such analysis, not exceeding \$20, may be included in the costs of prosecution.

Sec. 11. Whoever hinders or obstructs the Commissioner, his deputy, or any inspector of milk in the performance of their duty shall be punished by a fine of \$50 for the first offense and \$100 for each subsequent offense, and stand committed to the county jail until such fine is paid.

Sec. 12. Whoever violates the provisions of sections 4 and 5 shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for a term not exceeding one year.

FOOD LAWS.

LAWS OF 1893.

Sec. 60. *Diseased Meat.* If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, he shall upon conviction be punished by imprisonment in the county jail not more than six months or by fine not exceeding \$2,000.

Sec. 61. *Adulterated Food and Liquor.* If any person shall fraudulently adulterate, in order to sell, any substance intended for food or drink, he shall, upon conviction, be punished by imprisonment in the county jail not more than one year or by a fine not exceeding \$300, and the article so adulterated shall be forfeited and destroyed.

Sec. 63. *Mixed, Colored, Stained, or Powdered Food.* No person shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any article of food with any injurious ingredient or material with the intent that the same shall be sold; and no person shall knowingly sell or offer for sale any article so mixed, colored, stained, or powdered.

Sec. 65. *Mixing or Coloring Food, Drink, or Medicine for Gain.* No person shall mix, color, stain, or powder any article of food, drink, or medicine, or any other article which

enters into the composition of food, drink, or medicine, with any ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale, or order or permit any person to sell or offer for sale any article so mixed, colored, stained, or powdered, unless the same be so marked, used, sold, or offered for sale under its true and appropriate name, and notice that the same is marked, printed, or stamped on each package, roll, parcel, or vessel containing the same so as to be at all times readily visible, unless the person purchasing the same is fully informed by the seller of the true name and ingredients of such article of food, drink, or medicine at the time of the making of the sale or offering to sell.

Sec. 66. *Glucose. Grape-Sugar. Oleomargarine.* No person shall mix any glucose or grape-sugar with syrup, honey, or sugar intended for human food, or any oleomargarine, suine, beef-fat, lard, or any other foreign substance with any butter or cheese intended for human food, or shall mix or mingle any glucose, grape-sugar, or oleomargarine with any article of food without distinctly marking, stamping, or labeling the article or the package containing the same with the true and appropriate name of such article and the percentage in which glucose, grape-sugar, or oleomargarine or suine enters into its composition; nor shall any person sell or offer for sale, or order or permit to be sold any such food, into the composition of which glucose, grape-sugar, oleomargarine, or suine enters, without informing the buyer of the fact and the proportions in which such ingredients have entered into its composition.

Sec. 67. *Penalty.* Any person convicted of violating any provisions of any of the foregoing sections of this act shall be fined not more than \$50 or imprisoned in the county jail not exceeding three months.

Sec. 69. *Impure Milk.* It shall be unlawful for any person, either by himself or agent, to sell or offer for sale any impure, unwholesome, or adulterated milk or swill milk or colostrum, or milk from cows kept upon garbage, swill, or any substance in a state of fermentation or putrefaction, or other deleterious substance, or from cows kept in connection with any family in which there are infectious diseases. The addition of water to milk is hereby declared an adulteration.

Sec. 70. *Penalty.* Any person who shall violate the preceding section shall be punished by a fine not exceeding \$100 or by imprisonment not to exceed three months, or both.

Sec. 71. *Inspectors of Milk.* The board of health of any county, city, or town is given authority to appoint inspectors of milk and fix

their compensation. The inspectors shall perform the duties required of inspectors, as provided in the general laws, and such other powers and duties as may be conferred by the ordinance of said county, city, or town.

Sec. 72. Skimmed Milk. Any dealer in milk who shall by himself or agent sell, exchange or deliver, or have in his possession with intent to sell or expose or offer for sale as pure any skimmed milk from which the cream or any part thereof has been removed, shall be guilty of a misdemeanor and shall be punished by the penalty provided in section 70.

Sec. 73. Impure Butter. Oleomargarine. Every person who shall manufacture for sale or who shall offer or expose for sale any article or substance in semblance of butter not the legitimate product of the dairy and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk enters as a component part or into which melted butter or any part thereof has been introduced to take the place of cream, shall distinctly and durably brand, stamp or mark upon the top and also upon the side of every package of such substance the word "oleomargarine" where it can be plainly seen, in Roman letters, which shall be burnt on or printed, with permanent black print, in a straight line, and each letter shall not be less than one-half inch in length, and in the case of retail sales of such substance in parcels, the seller shall sell it or offer it for sale from parcels stamped, branded or marked with a written statement, and shall also deliver therewith to the purchaser a printed label, bearing the plainly printed word "oleomargarine" or "butterine," as the same may be, with the name of the manufacturer thereof, and every sale of such article or substance, whether by wholesale or retail dealers, not so marked or without a delivery of the label therewith as required, is declared to be unlawful and void, and no action upon any contract pertaining thereto shall be maintained in any of the courts of this state or a recovery had for the sale of any such article or substance not so branded, marked, labeled or sold.

HONEY.

Section 1. No person, firm or corporation shall have in his, it or their possession an adulterated or imitation bee products or substance which has been stored or made by honey bees from sugar, syrup or any other material or substances fed to them, or shall adulterate or cause or solicit any person, firm or corporation to adulterate any bee products, or to mix or compound any substances so as to resemble bee products, or to sell or offer to sell, exchange or give away any adulterated or imitation bee products or any compounds purporting to be or to imitate bee products, or substances

designed to be used as a substitute for bee products, unless each and every package of such adulterated or imitation bee products or compound articles is clearly, durably and prominently either labeled or marked so as to inform the purchaser of the exact ingredients and the exact percentage of ingredients used, or is labeled or marked "imitation honey" or "imitation beeswax," as the case may be, in heavy Gothic type of not less than forty-eight points, printers' measure, in size, and the words "Honey" or "Beeswax" shall not be used upon any package of material described in this section unless the same shall be preceded by the word "imitation"; and no person, firm or corporation shall sell such goods unless he or they themselves inform the purchaser or his representative of the exact ingredients and the percentage of each; and the possession of such goods shall be held to imply knowledge of the true character and name thereof, and the intent to use them in violation of this act; provided, that this section shall not be deemed to apply to persons having such goods in their possession for actual consumption by themselves or their families.

Sec. 2. The word "Honey" shall not be used as part and parcel of the trade designation of drugs, medicines, confections or any other articles of trade or commerce, unless honey is actually employed as one of their ingredients and to the full extent to which the use of such ingredients shall lead the purchaser to expect.

Sec. 3. Whoever shall deface, erase or remove any label or mark provided for in this act with intent to mislead, deceive or to violate any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 4. No person, by himself or others, shall ship, consign or forward by any common carrier or otherwise, public or private, any adulterated or imitation bee products or any other compounds provided for in this act, unless it or they shall be labeled or marked on each case or shipping package in plain lettering, according to the provisions of this act, and receipted for by the true name thereof; provided, that this act shall not apply to any goods in transit between other and foreign states across the state of Colorado.

Sec. 5. Whenever any state office regulating the adulteration or imitation of any food products exists in this state, it shall be the duty of the executive of such office to take in a lawful manner samples of suspected bee products or imitation or compounds thereof, reasonably compensating therefor from any funds in his hands belonging to his office, and cause such samples to be immediately analyzed or otherwise satisfactorily tested by a practical chemist, at a cost not to exceed twenty (\$20)

dollars in any case, and if the result of such analysis shows that the provisions of this act have been violated, to immediately make complaint before a justice of the peace of the county in which the offense was committed or such product found, and the justice of the peace shall thereupon take full jurisdiction and hear and determine all matters connected therewith and enter judgment accordingly, and the analysis therein mentioned shall be recorded and preserved as evidence, and the expense for making such analysis or test may be taxed as costs in case the prosecution shall be successful; the certificate of such result sworn to by the chemist shall be competent evidence in all prosecutions under this act; provided, that the person accused may, by subpoena, compel the attendance in court of such chemist. In all cases where the defendant is found guilty of a violation of this act such product shall be confiscated and may be destroyed or sold by an officer of such court and the receipts thereof, after being applied to the costs of the case, any balance remaining shall be turned into the state treasury. If any food officer whose duty it is to inspect or bring proceedings as herein provided shall corruptly or negligently fail to do so, he shall be deemed guilty of malfeasance and shall be fined and debarred from his office, the amount of such fine going to the informer of such malfeasance: all proceedings provided and mentioned in this act to be brought against a person, firm or corporation for violation thereof, or against any officer for malfeasance, shall be in the name of the People of the State of Colorado, and in no such case shall any advancements of costs for any bond or other security be required.

Sec. 6. For the purpose of this act the word "honey" shall be held to be the nectar of flow-

ers gathered and stored by honeybees, and it shall be held to have been adulterated when glucose, cane sugar, grape sugar or any other substance or compound has been mixed with or added to it or fed to bees; and the word "beeswax" shall be held to be the wax rendered from combs built by the honeybees, either without foundation or upon foundation of pure beeswax, and it shall be held to have been adulterated when paraffine, tallow or any other wax or fat, mineral or vegetable, or any other substance or compound has been mixed with or added to it.

Sec. 7. No court of this state shall sustain any action brought to recover any sum due or alleged to be due by reason of the purchase of any adulterated bee products or compounds specified in this act, unless the name shall have been labeled or marked as provided in this act, which duty of labeling or marking shall be proven as part of the case in chief.

Sec. 8. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined for the first offense not less than twenty (\$20) dollars, not more than one hundred (\$100) dollars, and for the second and subsequent offenses not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars, together, in all cases, with all costs of suit; and justices of peace may have jurisdiction of all offenses arising under this act.

Sec. 9. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 10. In the opinion of the general assembly an emergency exists, and this act shall take effect from and after its passage.

JAMES B. SANFORD.

Approved April, 1903.

DECISIONS OF THE SUPREME COURT OF COLORADO ON FOOD LAWS.

FOOD LAWS. JURISDICTION. A city ordinance making it unlawful for any person to sell oleomargarine without specified marks and brands, made by virtue of a provision in a city charter giving the city council exclusive power to regulate all lawful occupations, and a further provision giving the police magistrate's court of the city exclusive original jurisdiction of all cases arising under city ordinances, does not deprive the district court of jurisdiction of a violation in a given city of the laws of 1893. *Haines vs. People*, 7 Colo. App. 467.

ICE. An ice retailer's ice was found to be impure. A law authorized the health commissioner to condemn and destroy all fluids or substances intended for drink or food whenever

satisfied that its consumption might be injurious to the public health. The health commissioner put a stop to the ice business, and then summoned the retailer to show cause why the ice should not be destroyed. Held that the law does not authorize the condemnation of such substances without a trial before a regular authorized tribunal, in which the burden of proving the charge is upon the complainant and not on the defendant to show cause why not. *Munn vs. Corbin*, 8 Colo. App. 113.

MEAT INSPECTION. An act which provides that fresh meats, sound and healthy and fit for human food, cannot be shipped into this state to be sold except on condition that the animals from which such meats have been taken shall

have been inspected and certified to as provided by the statute, is in conflict with the provision of the United States Constitution which declares that citizens of each state shall be entitled to all the privileges and immunities of the citizens in the several states. *Schmidt vs. People*, 18 Colo. 78.

OLEOMARGARINE.

REGULATION AND SALE. The sale of oleomargarine in unmarked packages is not a lawful occupation, so that cities having the power to license all lawful occupations carried on within

their limits cannot license and regulate the sale thereof.

JURISDICTION. The District Court has jurisdiction over the oleomargarine law of 1893. *Haines vs. People*, 7 Colo. App. 467.

PACKAGES MUST BE MARKED. It is unlawful to sell oleomargarine in packages not marked in two conspicuous places in bold-faced English letters, etc., as prescribed by act of April 12, 1893, and cities have power to license the sale of oleomargarine within their limits. *Haines vs. People*, 7 Colo. App. 467.

PURE FOOD LAWS OF CONNECTICUT.

The Pure Food Laws of this state are under the control of a Dairy Commissioner appointed by the Governor for two years and the State Experiment Station. The Commissioner has the power to appoint a deputy, who shall act as clerk. He is required to make annual reports to the Governor. This Dairy Commission now consists of the following members:

J. B. Noble Commissioner
R. O. Eaton Deputy Commissioner

The Dairy and Pure Food Laws under the control of the Dairy Commissioner and his deputy and the experiment station are substantially as follows:

Sec. 2614. Any article resembling butter, not made wholly, salt and coloring matter excepted, from milk of cows, shall be imitation butter within the meaning of this Act. The words "butter," "dairy" and "creamery" shall form neither the whole nor a part of the name of any imitation butter, or appear upon any article, or any box, tub or package containing imitation butter.

Sec. 2615. Prohibits the manufacture, sale or delivery of any article, product or compound made wholly or partly out of any fat, oil or oleaginous substances or compound thereof, not produced from unadulterated milk or cream from the same; *Provided*, This act shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its true character, free from colorations or any ingredient that causes it to look like butter. Prohibits the sale or delivery of imitation butter except as follows:

First.—The dealer shall maintain in plain sight over or next the main entrance of the premises where black Roman letters, not less than two inches wide and four inches in length, on a white ground, the words "Sold here," preceded by the name of the imitation article. If

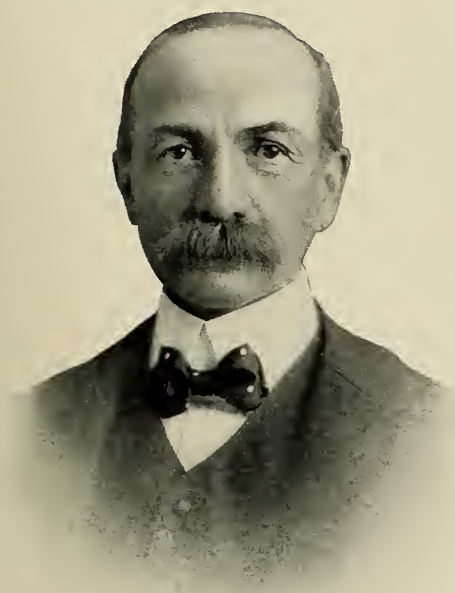
the selling is done in a wagon or other vehicle, such vehicle shall have conspicuously upon its outside on both sides of said wagon or vehicle the sign in plain black Roman letters not less than two inches wide and four inches long, on a white ground, containing the words "Delivered here," preceded by the name of the imitation article.

Second.—Imitation butter shall be kept in an enclosing package which shall bear on the outside of its body and also on its cover at all times, in plain sight, and in black Roman letters not less than one inch wide and two inches long, on a white or light colored ground, the name of the imitation article.

Third.—The seller shall orally inform each buyer at each sale that the article he buys is not butter and shall give the name of the imitation article.

Fourth.—Every person selling imitation butter, and every keeper of hotel, boarding house, or restaurant who shall furnish guests with imitation butter or food containing it shall, within fifteen days after the passage of this act, or within fifteen days of commencing said business, and annually on the first day of May, or within fifteen days thereafter, register in the book kept by the Dairy Commissioner for that purpose the name of the town, street and number of street of the place of business of said person, keeper of hotel, boarding house or restaurant; and signs prescribed in sections 2615, 2616 and 2617 of the general statutes shall be provided by the Dairy Commissioner; and all signs required under provision of section 2615 shall be placed in position under the direction of the Dairy Commissioner or his deputy. All signs so furnished by the Dairy Commissioner shall be paid for by the party receiving them, same to be furnished them at actual cost.

Sec. 2616. Prohibits the sale of any article of food containing imitation butter, unless the



HON. J. B. NOBLE,
Commissioner.



ROBERT O. EATON,
Assistant Commissioner.

CONNECTICUT DAIRY AND FOOD COMMISSION.

same bear a sign as hereinbefore first prescribed, and except that the word "used" may be substituted for the word "sold." If the selling is done from a wagon or other vehicle such vehicle shall conspicuously bear such a sign.

Sec. 2617. No keeper of a hotel, boarding house or restaurant shall furnish any guest with imitation butter or food containing it unless such keeper shall maintain in plain sight of all guests seated at tables where food is served such a sign or signs as hereinbefore prescribed, except that the word "used" shall be substituted for the word "sold."

Sec. 2618. Provides for the appointment of a Dairy Commissioner by the Governor for two years. Said Commissioner may appoint a deputy. He and his deputy shall have free access at all reasonable hours, for the purpose of examining into suspected violation of this chapter, to all places and premises, apartments of private families keeping no boarder excepted, where the said Commissioner or his deputy suspect imitation butter to be made, sold, kept or stored in transit, and may take samples for analysis upon tender of the market price of good butter for the same. It shall be the duty of the officials or agents of railway and express companies having knowledge or record of any consignment of imitation butter to inform the Commissioner or his deputy of such consignment, and the name of the assignee when requested by the Commissioner or his deputy. The Dairy Commissioner may have samples analyzed at the Connecticut Experiment Station, or by any state chemist, and a sworn certificate after analysis shall be *prima facie* evidence of the ingredients and constituents of the sample analyzed. Anybody refusing the Dairy Commissioner or his deputy access in a reasonable manner and at a reasonable time to premises for said purposes of examinations, or refusing to sell samples as hereinbefore provided for, shall incur the penalty hereinafter first provided for violations of this chapter. The Dairy Commissioner shall make annual reports to the Governor.

Sec. 2619. Any person violating the provisions of sections 2614, 2615 or 2616, and any person, except a boarding house keeper, violating section 2617, shall for the first offense be fined not more than \$100 or imprisoned not more than 60 days, or both, and for any subsequent offense said fine and imprisonment shall be doubled. Any boarding house keeper violating section 2617 shall for the first offense be fined \$25 or imprisoned not exceeding 30 days, or both; and for any subsequent offense such fine and imprisonment shall be doubled. Evidence of any violation of this chapter shall be *prima facie* evidence of wilful violation with knowledge.

AN ACT CONCERNING THE SALE OF TUB BUTTER.

Section 1. Prohibits the sale of any butter known as "tub butter" which is pressed or printed into what is known as bricks, pats, or balls, except under the following conditions: Every such brick, pat, or ball, shall have the word "tub butter" in one-half inch Roman letters stamped or pressed upon it, and if wrapped the wrapper shall be marked in like manner. The Dairy Commissioner is charged with the enforcement hereof, and shall have free access to all places and premises where he or his deputy suspect that a violation of this act has been committed.

Sec. 6. Provides a fine of not more than \$100 for any violation hereof.

RENOVATED BUTTER

Section 1. No person, by himself, or agent, or otherwise, shall sell, expose for sale, or have in his possession with intent to sell, any article which is produced by taking original packing stock or other butter, or both, melting the same so that the butter fat can be drawn off, and mixing the said butter fat with skimmed milk, cream, or other milk product, and rechurning the said mixture, or by any similar process, as is commonly known as process butter, unless he shall have the words "Renovated Butter" conspicuously stamped, labeled or marked, in a straight line in printed letters, not less than one-half inch in length of plain gothic type, so that the said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, shall himself, or by his agent, attach to each package sold, and deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words, "Renovated Butter," in plain letters not less than one-half inch in length in a straight line of plain gothic type.

Sec. 2. All the powers and provisions conferred by section 2566 of the General Statutes which are necessary for the enforcement of this Act are made a part hereof.

Sec. 3. Every person who shall violate the provisions of this Act shall be fined not less than \$50 nor more than \$100.

Approved May 6, 1903.

VINEGAR.

Section 1. Prohibits the sale as cider vinegar any vinegar not produced wholly from the juice of apples. No person shall add to any vinegar or to any article sold as such any drug or hurtful or foreign substance, or coloring matter or acid. Provides a fine of \$50 for the first of-

fense and for a second or later offense a fine of \$100 and imprisonment for 30 days.

Sec. 2. Prevents the sale of any vinegar not having an acetic acidity equivalent to the presence therein of not less than four per cent by weight of absolute acetic acid; and in case of cider vinegar not less than 2 per cent by weight of cider vinegar solids upon full evaporation over boiling water. No manufacturer of vinegar shall sell the same without conspicuously branding, stenciling or painting upon the head of each barrel, keg or package containing same the name of the maker, his residence and place of manufacture, and the name and kind of vinegar contained therein, as: "cider vinegar" or "wood acid vinegar," "wine vinegar," "malt vinegar," etc.; *Provided*, This clause concerning marking shall not apply to retail sales at the place of manufacture, in quantities of less than five gallons, or in open packages. Provides a fine of \$10 for a first offense, and \$50 for a second or later offense for violating this act.

Sec. 3. Prohibits the sale or soliciting for sale or delivery within or without this state; first, any vinegar as cider vinegar not wholly produced from the juice of apples; second, any vinegar or article sold as vinegar to which has been added any drug or hurtful or foreign substance or not as specified in the first part of section 2 hereof; and, fourth, any vinegar not branded, etc., as required in the previous sections of this act. Provides a fine of \$100 for the first offense, and \$50 for a second or later offense. The delivery of any of the above mentioned articles shall be evidence that the order upon which delivery was made was for such articles, and shall render the person soliciting or receiving such order liable to the penalty above prescribed.

Sec. 4. The Dairy Commissioner shall have free access to all places and premises where he suspects any of the provisions of this act are violated, and upon tender of the market price of good vinegar he may take samples for analysis by himself or the state chemist, or by the Experiment Station; a sworn or affirmed certificate by such analyst shall be *prima facie* evidence of the ingredients and constituents of the samples analyzed; and the Dairy Commissioner shall make complaint to the proper prosecuting officer that the offender may be prosecuted.

Sec. 5. Any person refusing samples to the Dairy Commissioner shall be fined not more than \$7 or imprisoned not more than 30 days, or both; evidence of any violation of this act shall be *prima facie* evidence of wilful violation with knowledge.

MOLASSES.

Sec. 2620. The Dairy Commissioner shall have free access to all places and premises where he suspects that molasses is adulterated or adulterated molasses is sold, and on tender of the market price of good molasses he may take samples thereof and have same analyzed by any state chemist or by the Experiment Station, and a sworn certificate of such analysis shall be *prima facie* evidence of the constituents of the sample analyzed, and the Commissioner shall make complaint to the proper prosecuting officer that the person violating this section may be prosecuted.

Sec. 2621. For refusing the Dairy Commissioner samples as herein provided any person shall be fined not more than \$7 or imprisoned not more than 30 days, or both.

Sec. 2622. Any person who shall adulterate molasses or sell the same, or receive any order therefor for delivery without or within this state, or any molasses adulterated with salts of tin, terra alba, glucose, dextrose, starch sugar, corn sugar, or other preparation of, or from starch, shall be fined not more than \$500 or imprisoned not more than one year, or both. The delivery of any of the above mentioned preparations shall be conclusive evidence that the order upon which such delivery was made was for such articles, and render the person receiving same liable for the penalties above described.

FOOD PRODUCTS.

Section 1. Prohibits the sale of any article of food which is adulterated or misbranded within the meaning of this act.

Sec. 2. The term "food" shall include every article used for food or drink by man, horses or cattle. The term "misbranded" shall include every article of food and every article entering into the composition thereof, the packages or labels of which shall bear any statement purporting to name any ingredient as not being contained in such article, which statement shall be untrue in any particular, or any statement purporting to name the constituents of which any article is made, not giving fully the names of all the constituents contained in such article in any measurable quantity.

Sec. 3. An article shall be deemed adulterated: (1) If any substance be mixed or packed with it, so as to reduce or injuriously affect its quality or strength; (2) if any inferior substance be substituted wholly or in part for the article; (3) if any valuable constituent or article has been wholly or in part abstracted; (4) if it be an imitation of or sold under the name of such article; (5) if it is colored, coated, polished or powdered whereby damage is concealed, or if it is

made to appear better or of greater value than it is; (6) if it contains poisonous ingredients which may render such article injurious to health, or if it contains any antiseptic or preservative not evident and not known to the purchaser; (7) if it consists in whole or in part of a diseased, filthy, decomposed, or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal or of any animal that has died otherwise than by slaughter; *Provided*, That an article of food product shall not be deemed adulterated or misbranded in the following cases: (a) In the case of mixtures or compounds which may be known as articles of food under their own distinctive names, and not included in definition four hereof; (b) in the case of articles labeled, branded or tagged so as to show they are mixtures, compounds or combinations or blends; (c) when any matter or ingredient is added to a food required for the protection or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or to conceal the inferior quality thereof; (d) when a food is unavoidably mixed with some extraneous matter in process of preparation or collection.

AN ACT AMENDING AN ACT REGULATING THE MANUFACTURE AND SALE OF FOOD PRODUCTS.

Section 1. Sections 4 and 5 of chapter 235 of the Public Acts of 1895, are hereby amended to read as follows:

Sec. 4. The Connecticut Agricultural Experiment Station shall make analyses of food products on sale in Connecticut, or kept in Connecticut for export, to be sold without the state, suspected of being adulterated. Samples of food products for analysis shall be taken by the duly authorized agents of the station, or by the Dairy Commissioner or his deputy, at such times and places and to such an extent as in the judgment of the officers of said experiment station and of the Dairy Commissioner shall seem expedient. The Dairy Commissioner or his deputy shall have full access at all reasonable hours to any place wherein it is suspected that there is kept for sale or for export, as above specified, any article of food adulterated with any deleterious or foreign ingredient or ingredients, and said Dairy Commissioner or his deputy, upon tendering the market price of such article, may take from any person, firm or corporation, samples of the same. The said experiment station may adopt or fix standards of purity, quality, or strength, when such standards are not specified by law.

Sec. 5. Whenever said experiment station

shall find by its analysis that adulterated food products have been on sale in the state, or kept in the state for export, for sale without the state, it shall forthwith transmit the facts so found to the Dairy Commissioner, who shall make complaint to the proper prosecuting officer, to the end that violators of the law relating to the adulteration of food products shall be prosecuted.

Sec. 2. This act shall take effect from its passage.

Approved March 23, 1899.

Sec. 6. Said station shall make an annual report to the Governor upon food products, in addition to reports required by law, not exceeding 150 pages.

Sec. 7. The sum of \$2,500 is hereby annually appropriated to the Connecticut Agricultural Experiment Station, payable in quarterly installments to the treasurer of the board of control upon order of the comptroller.

Sec. 8. Prohibits the sale of adulterated food products, whether the same be for man or horse or cattle, without informing the purchaser of the adulteration; and provides a fine of not more than \$500, or imprisonment not more than one year.

Sec. 9. Declares non-actionable contracts made in violation of this act.

MILK.

Sec. 2658. Whoever shall sell, supply or bring to be manufactured to any butter or cheese manufactory any milk diluted with water or adulterated by the addition of any foreign substance, or from which any cream or milk commonly known as "strippings" has been taken; or whoever shall knowingly bring or supply to any butter or cheese manufactory milk that is tainted or partly sour, shall forfeit not less than \$25 nor more than \$100, with costs of suit, for the benefit of the person upon whom such fraud shall have been committed.

Sec. 2659. The usual test for quality and the certificate of analysis of the director of the Connecticut Agricultural Experiment Station shall be deemed *prima facie* proof of adulteration.

Sec. 2660. Prohibits the sale of any milk from which the cream has been removed without distinctly and durably fixing a label, tag or mark of metal in a conspicuous place upon the outside and not more than 6 inches from the top of every can, vessel or package containing such milk, and such label or tag shall have the words "skimmed milk" stamped, printed or indented therein in letters not less than 1 inch in height, and such milk shall only be sold out of the can, vessel or package so marked.

Sec. 2661. Prohibits the sale of any impure or adulterated milk.

Sec. 2662. Provides a fine for violations of

the two preceding sections of not more than \$7, or imprisonment not more than 30 days, or both.

Sec. 2663. A printed notice of this and the five preceding sections shall be conspicuously posted in all public places, creameries or factories where milk is received or sold.

Sec. 2664. Any person who shall sell or expose for sale milk or any product from any cow which shall have been adjudged by the Commissioner upon diseases of domestic animals affected with tuberculosis, or other blood disease, shall be fined not less than \$7, or imprisoned not more than 30 days, or both.

DECISIONS OF THE SUPREME COURT OF CONNECTICUT ON FOOD LAWS.

VALIDITY. Where a city charter forbids the Board of Aldermen to pass ordinances regarding anything regulated by general statutes, an ordinance prohibiting the sale of any impure or adulterated milk is held to be void. *State vs. Tyrell*, 73 Conn. 407.

LICENSE. Under a charter authorizing a city council to pass an ordinance relative, among other things, "to the end that all subjects that shall be deemed necessary and proper for the protection and preservation of the health, property and lives of the citizens," an ordinance prohibiting the sale of adulterated and impure milk within the city and requiring every one that sells milk of any kind to first procure a

license, is void, in so far as it requires a license from all to sell milk whether they are petty grocers, hucksters, or common victualers. *State vs. Smith*, 67 Conn. 541.

GUILTY KNOWLEDGE. Pub. Acts 1901, c 154 (Gen. St. 1902, Sec. 1346), provides that every person who shall willfully sell or offer to sell the flesh of any calf less than four weeks old when killed shall be punished by a fine, etc. Held, that guilty knowledge was an essential element of the crime defined by such act, and it was therefore error for the court to charge that by "willfully selling" was meant deliberately selling, without regard to defendant's motive. *State vs. Nussenholtz*, 55 A. 589.

PURE FOOD LAWS OF DELAWARE.

This State has no Food or Dairy Commission, nor any department except the Attorney General, specifically charged with the enforcement of the laws to prevent the adulteration of articles of food, drugs, drink, etc., with the exception of the inspectors of breadstuff, appointed by the Governor, as hereinafter set forth. A digest of such laws on this subject as are in force in the State is as follows:

CHAPTER 161, VOL. 22.—LAWS OF DELAWARE, AMENDS CHAPTER 209, VOL. 20, TO READ IN SUBSTANCE AS FOLLOWS, STRIKING OUT SEC. 4 OF SAID LAST CHAPTER AND VOLUME:

Sec. 1. No person by himself, agent or servant shall render or manufacture for sale or offer to expose for sale any article, product or compound made wholly or partly of any fat, oil or oleaginous substance or compound thereof, not produced from pure adulterated milk or cream of the same; provided, nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredi-

ent that causes it to look like yellow butter. But when any person exposes for sale in this state oleomargarine, butterine or any substance made in imitation or semblance of pure butter, such person shall have conspicuously upon the surface of the exposed contents of every open tub, package, or parcel thereof a placard with the words "Oleomargarine" or "Butterine," or whatever the name of the contents of the package may be printed thereon in plain uncondensed Gothic letters not less than one inch long. If any person shall violate the provisions of this section he shall be deemed guilty of a misdemeanor, punishable in the Court of General Sessions of the Peace and Jail Delivery, and fined not less than \$50 nor more than \$250 for each offense.

CHAPTER 209—VOL. 20.

Sec. 2. Provides that if any person make complaint duly verified in writing to any justice of the peace, that he has probable cause to suspect and believe that any other person by himself or agent has rendered or manufactured, sold, offered or exposed for sale, or has in possession with intent to sell any article, product or compound, made as aforesaid in imitation of yellow butter, produced as aforesaid, and shall

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describe such articles, produce or compound in said complaint and designate the place where he suspects such article, product or compound is, and the name of the person suspected, as aforesaid, such justice of the peace may within his jurisdiction issue his warrant to search such place; such warrant may be directed to any officer or other person by name for service, shall recite the essential facts alleged, and the officer or person designated for such service shall proceed as follows: He may enter the place designated and if he finds therein what he believes to be any product or compound made in imitation of yellow butter, produced as aforesaid, he shall take therefrom a sample for the purpose of analyzing or testing the same, as hereinafter provided, and to obtain such sample, such officer or person may open any can, vessel or package believed to contain such imitated article and take therefrom the sample for the purpose of analyzing or testing the same, as hereinafter provided, and to obtain such sample, such officer or person may open any can, vessel or package believed to contain such imitated article and take therefrom the sample for the purpose aforesaid. Such officer or person taking said sample as aforesaid, shall then and there divide said sample into two equal parts, wrap said parts in separate parts, seal the same and offer one of said parts to the person in whose custody said article was found with a written notice of the time, place and date, when and where said sample was taken and that it was taken to be analyzed or tested. The other part of said sample shall together with a copy of said written notice be delivered by said officer or person to the state chemist, who shall cause same to be analyzed or tested, and record and preserve the result of said analysis or test as evidenced.

Said officer or person shall within one week after said delivery to said chemist return said warrant with his proceedings thereunder and actual costs and expenses endorsed thereon, to said justice of the peace; said cost to be in amount as near as may be with costs to which an officer serving a search warrant would thereby be entitled to.

Said sample being delivered to said chemist, he shall analyze or test same as early as convenient and forward to the Attorney-General a certificate of the result thereof duly verified, and such certificate shall be admitted as evidence before the grand or petit jury in any prosecution under this act.

Sec. 3. Provides a fine for violation of Sec. 1, not less than \$50 nor more than \$250, or imprisonment not exceeding one year, and cost of prosecution to which shall be attached cost of said Justice of the peace and actual expenses endorsed on said warrant and charge of said chemist, whose charge shall not in any one case

exceed \$20. In case of failure to convict, said cost shall be paid by the county where the prosecution is conducted; provided, the amount of money paid by any county shall not exceed \$200 in any one year.

Sec. 5. Repeals all acts inconsistent herewith.

CHAPTER 67, REVISED CODE—1852, AS AMENDED IN 1893.

SALE AND INSPECTION OF BREAD-STUFFS.

Sec. 1. Provides that the weight of wheat or Indian Corn shall be 60 pounds of wheat to the bushel and 56 pounds of corn to the bushel.

Sec. 2. Provides that all casks for the exportation of breadstuffs shall be made of seasoned materials and shall be of the following sizes: No. 1, 27 inches long, 16½ inches in diameter at the head and contain 196 pounds; No. 2, 22¾ inches long, 12½ inches in diameter and contain 98 pounds. But if any person export from New Castle county to any foreign port beyond the United States, or sell for exportation any wheat flour, rye flour or middlings of wheat packed in casks of unseasoned materials or of other dimensions or of less weight per cask he shall forfeit to the flour inspector 40 cents per cask and have remedy over against the miller or cooper who furnished same.

Indian cornmeal shall be packed for exportation from New Castle, Middleford, Seaford or Sussex counties to any foreign port or port where no exportation laws exist, in strong, tight hogsheads of well-seasoned white or red oak, well secured; the staves 41 inches long, 27 inches in diameter at head, containing 800 pounds net; or in casks 26 inches long, 16½ inches in diameter, containing 196 pounds, or in one-half barrels 22 inches long, 12½ inches in diameter, containing 98 pounds, under the penalty herein provided for flour, except that wheat flour or kiln-dried Indian cornmeal may be exported in sacks or packages if inspected and passed, and same fees paid for inspection as in proportion for barrels.

Sec. 3. Provides that each miller shall brand or mark his own name, or other name by which it may be distinguished as his, on every cask of breadstuff manufactured by him (for exportation), marking the kind, quality, weight and tare under penalty of 20 cents for each cask or hogshead not branded, to any person suing for same. Any person marking a false weight or wrong tare to the disadvantage of a purchaser shall forfeit \$1.00 to the inspector for each cask, etc., falsely branded.

Sec. 4. All wheat flour manufactured for sale or exportation shall be merchantable and of due fineness.

Sec. 5. The Governor shall appoint a Flour

Inspector to reside in the City of Wilmington and another to reside in Middleford or Seaford, who may appoint necessary deputies, and hold office four years.

Sec. 6. No person shall export from New Castle county to any foreign port or United States port having no inspection laws any superfine or common flour or middlings, rye flour or Indian cornmeal not duly inspected.

Sec. 7. The inspector shall try packing and quality by boring or piercing or unpacking, if the quality be found insufficient charges of packing or repacking shall be paid by the miller with the penalty aforesaid; otherwise the Inspector shall pay such charges, or the purchaser, if done at his request.

Superfine flour shall have stamped on the plug "S. D.," if not superfine or merchantable common flour the letters "C. D.," if below that quality said flour shall be deemed as unfit for exportation and marked with a circle and cross in red chalk. "Middlings," "Fine Rye Flour," "Rye Flour" and Kiln Dried Corn Meal" shall be so marked or condemned according to the quality thereof.

Fee for inspecting shall be one cent for each cask or barrel and 3 cents for each hogshead, to be paid by the person exporting same, whether approved or condemned.

Sec. 8. Provides that in case of dispute of inspection that any judge shall appoint three persons to examine such flour, to state and report to him its quality and condition. Their report shall be final. If the report sustain the inspector the other party shall pay the arbitrators 50 cents each; if otherwise, inspector shall pay them and pass the breadstuff as merchantable.

Sec. 9. Inspector or his deputies shall, when requested, go on board any vessel within 10 miles of Wilmington, New Castle, Port Penn, Middleford or Seaford to inspect more than 50 casks under penalty of \$30,000 to any one who will sue for same.

Prohibits such inspector or deputy from bartering in flour other than superfine, under penalty of \$100.00.

Sec. 10. If any person shall falsely brand any breadstuff, after inspection, to evade the inspection, or knowingly or fraudulently ship same with false brand, he shall forfeit \$100. Every cask, etc., so falsely branded shall be forfeited to the state and may be seized by the inspector or deputy, one-half for his own use, and if any person shall brand or make the mark of the Superfine, Common or Middlings on any cask of flour after it shall have been taken from the mills, before inspected and allowed as such by the inspector, such person shall forfeit 20 cents to any person who will sue for the same.

Sec. 11. Any flour branded "Superfine" or "Common" containing corn meal or other adul-

teration, shall be forfeited to the state and seized as aforesaid, one-half to the inspector's use.

In case of any seizure he shall sell the same after 10 days' notice in one or more newspapers of the state at public vendue and pay over one-half the proceedings to the state treasurer, within 20 days thereafter.

(All Superfine or Common Flour, Middlings, Rye Flour and Indian Corn Meal offered for sale and sold for commission in the City of Wilmington shall be first duly inspected and any person violating this act shall pay to the Flour Inspector of said city for the use of the state five cents for each barrel and 10 cents for each hogshead of corn meal, middlings or rye flour so sold without inspection, to be recovered as like amounts are recoverable in this state.)

ADULTERATED CANDY.

Chapter 267, Vol. 21.

Sec. 1. No person or corporation shall by himself or itself or agent or as the agent of any person or corporation knowingly manufacture for sale, sell or offer for sale any candy adulterated by the admixture of Terra Alba, Barytes, Talc or other mineral substance or poisonous colors or flavors or ingredients deleterious to health.

Sec. 2. Provides a fine for violation of Sec. 1 of not less than \$50.00 or more than \$100.00.

The candy so adulterated shall be forfeited and destroyed under the direction of the Attorney General.

PAGE 440, VOL. 21, LAWS OF 1898-1899.
CHAPTER 270.

MARKING WEIGHTS ON PACKAGES, ETC.

Sec. 1. Provides that on and after the first day of April, 1899, each and every bag, package, parcel or box of flour or grain meal of any kind exposed or offered for sale in this state shall have marked or printed prominently, distinctly and conspicuously thereon the correct weight in avoirdupois of the flour or other grain meal contained in such bag, etc.

Sec. 2. Provides that on and after the day aforesaid it shall be unlawful for any person, firm or corporation to offer or expose for sale any bag, package, parcel or box of flour, or any kind of grain meal, unless same has printed thereon as aforesaid the correct weight. Provides a violation hereof a misdemeanor, punishable by a fine of \$25 and costs.

Sec. 3. Provides that on and after the day aforesaid if any person, firm or corporation shall print or mark the weight of flour, or other grain meal, on any such bag, package, parcel or box, as aforesaid, falsely or in any way to deceive the public, they shall upon conviction pay a fine of \$25.

VOL. 22, PAGE 160, LAWS OF 1901.

Chapter 101.

MARKING FRUIT.

Sec. 1. Adds a new section, known as section 22, to chapter 216, vol. 21, which reads in substance as follows: Provides that the Board of Agriculture shall have power to com-

pel all fruit growers to stamp or mark the baskets, boxes, packages, crates, parcels or other receptacles used by them for shipment with such person's name or initials, or some distinguishing device or mark which may be readily and easily seen on the same; and said Board may adopt rules to carry this into effect.

Provides a penalty for a violation of this section of \$5 and makes it a misdemeanor.

DECISIONS OF THE SUPREME COURT OF DELAWARE ON FOOD LAWS.

LICENSE TO SELL FOOD. Although the provisions of a charter authorize a city to provide, by ordinance against the adulteration of milk or cream sold, and for its inspection, it does not

give the right to impose a license from dealers, and such power will not be implied unless it is shown to be necessary. *Gray vs. Wilmington*, 2 Marv. (Del.) 257, 43 Atl. 94.

PURE FOOD LAWS OF FLORIDA.

The State of Florida has no Food or Dairy Commission nor any department with direct supervisory powers over the administration of the laws on this subject.

A digest of such laws as are in force on the subject in this state is as follows:

TITLE II. CHAPTER 8.

UNWHOLESOME FOOD AND ADULTERATION OF LIQUOR.

Sec. 2659. Whoever knowingly sells any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making same known to the buyer, shall be punished by imprisonment not exceeding 6 months or fined not exceeding \$200.

Sec. 2660. Provides that whoever fraudulently adulterates for the purpose of sale any bread or other substance for food with any substance injurious to health shall be punished by imprisonment not exceeding one year and fined not exceeding \$300.00. The article so adulterated shall be forfeited and destroyed under the direction of the court.

Sec. 2661. Whoever kills or causes to be killed for the purpose of sale any calf less than four weeks old, or sells or possesses with intent to sell the meat of any calf killed when less than four weeks old, shall be punished by a fine not exceeding \$200.

Sec. 2662. Whoever knowingly and willfully causes to be sold as butter any spurious preparation purporting to be butter, known as oleomargarine, or by other name, shall be punished by imprisonment not exceeding thirty days or by fine not exceeding \$100.

Sec. 2663. Any keeper of any hotel or boarding house who knowingly supplies oleomargarine or other spurious substance purporting to be butter to his guests without notice thereof, shall be punished as above.

Sec. 2664. Whoever adulterates for the purpose of sale any liquor used or intended for drink with cocculus, indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead or other substance, which is poisonous and injurious to health; and whoever knowingly sells any liquor so adulterated shall be punished by imprisonment in the state prison not exceeding three years, and the liquor so adulterated shall be forfeited.

ADULTERATED CANDY.

Chapter 4546, Laws of 1897.

Sec. 1. No person shall, by himself, servant or agent, or as the agent of another manufacture for sale, knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance or by poisonous colors or flavors or other ingredients deleterious to health.

Sec. 2. Whoever violates any of the provisions of this act shall be punished by a fine not exceeding \$100 nor less than \$50, and the candy so adulterated shall be forfeited and destroyed under direction of the court.

Sec. 3. This act shall take effect upon its passage and approval by the governor.

DRUGS.

Sec. 2668. Whoever fraudulently adulterates for the purpose of sale any drug or medicine, or

sells any fraudulently adulterated drug or medicine knowing the same to be adulterated, shall be punished by imprisonment not exceeding one year or fined not exceeding \$400.00. Such drugs or medicines shall be forfeited and destroyed under the direction of the court. If the offender be a pharmacist his name shall be stricken from the register.

FALSE PACKING.

Sec. 2710. Whoever fraudulently puts into any barrel, bag, bale of cotton, cask or other package of sugar, rice or pork, or any article of provisions, any dirt, rubbish or other thing shall be fined not exceeding \$1,000.

LAWS OF 1901, PAGE 127-128.

Chapter 4976.

Requires all merchants, provision dealers and storekeepers, and all other persons selling or offering to sell flour, meal, oats, grits, wheat, rye, peanuts, potatoes or beans already put up and packed in sacks, bags or barrels in original packages, to mark, stamp or stencil on the sacks, barrels or bags the exact weight thereof in pounds avoirdupois. Makes a violation of this act a misdemeanor punishable by a fine not exceeding \$200 or imprisonment in the county jail not exceeding three months or both.

ADULTERATION OF FOOD AND DRUGS.

SESSION LAWS OF 1903.

Chapter 5170.

Sec. 1. That no person shall mix, color, stain or powder or order or permit any other person to mix, color, stain or powder any article of food or drugs with any ingredient or matter so as to render the article injurious to health, or manufacture an article of food which shall be composed in whole or in part of diseased, decomposed, infected or unclean animal or vegetable substance with the intent that the same may be sold in this State, and no person shall sell any such article so mixed, colored, stained, powdered and manufactured.

Any person violating this section shall be guilty of a misdemeanor and for each offense pay a fine not exceeding \$200 for the first offense and for each subsequent offense not exceeding \$300, or imprisonment not exceeding one year or both in the discretion of the court.

Sec. 2. Quality or potency of drugs.—That no person shall except for the purpose of compounding as hereinafter described mix, color, stain or powder or order or permit any other person to mix, color, stain or powder, any drug with any ingredient or matter so as to affect injuriously the quality or potency of such drug with intent that the same may be sold in said State, and no person shall sell any such drug so mixed, colored, stained or powdered under

the same penalty in each case respectively as in the preceding section for the first and subsequent offenses.

Sec. 3. Ignorance of adulteration.—That no person shall be liable to be convicted under either of the two last foregoing sections of this Act in respect of the sale of any article of food or of any drug if he shall show to the satisfaction of the court before whom he is charged, that he did not know of the article or drug sold by him being so mixed, colored, stained or powdered, as in either of those sections mentioned and that he could not with reasonable diligence have obtained that knowledge.

Sec. 4. Fraudulent Addition and Alteration.—That no person shall sell any article of food or drug which is not of the nature, substance and quality of the article as represented by the vendor; and any person violating this section shall be guilty of a misdemeanor and for the first offense be fined not exceeding \$50 and for each subsequent offense not exceeding \$100, or imprisonment not exceeding six months or both in the discretion of the court: Provided that an offense shall not be deemed to be committed under this section in the following cases, that is to say:

First, When any matter or ingredient not injurious to health has been added to the food or drug because the same was required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drug or conceal the inferior quality thereof.

Second. When the drug or food is a proprietary medicine.

Third. When the food or drug is compounded as authorized by this Act.

Fourth. When the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Sec. 5. Ingredients must be in accordance with purchaser's demand. That no person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser.

Any person violating this section shall be guilty of a misdemeanor and fined not exceeding \$50; Provided, that no person shall be guilty of any such offense as aforesaid in respect of the sale of any article of food or a drug mixed with any matter or ingredient not injurious to health and not intended fraudulently to increase its bulk, weight or measure or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice by label distinctly and legibly written or printed

on or with the article or drug to the effect that the same is mixed.

Sec. 6. Subtraction of Ingredients.—That no person shall with the intent that the same may be sold in its altered state without notice subtract from any article of food any part of it so as to affect injuriously its quality, substance or nature; and no person shall sell any article so altered without making disclosure of the alteration; and any person violating the provisions of this section shall be guilty of a misdemeanor and fined not exceeding \$100.

Sec. 7. Must Prove Condition under Proviso. (Section 5).—That in all prosecutions under this act when the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon the proviso contained in this Act, it shall be incumbent upon him to prove the same.

Sec. 8. Dealer Ignorant of Adulteration.—That if the defendant in any prosecution under this Act prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser and with a written warranty to that effect, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

Sec. 9. Forging of Warrant.—That any person who shall forge or shall use, knowing it to be forged, any certificate or any writing purporting to contain a warrant as provided in section 8 of this Act, shall be guilty of a misdemeanor and be punished on conviction by imprisonment for a term not exceeding one year with hard labor.

Sec. 10. False or Misapplied Warranties.—That every person who shall willfully apply to an article of food or a drug a certified or warranty given in relation to any article or drug, or who shall give a false warranty in writing to any purchaser in respect of the article of food or drug sold by him as principal or agent, or who shall willfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of a misdemeanor and on conviction be fined not to exceed \$100.

Sec. 11. Chemist.—That the analysis provided for in this Act shall be under the control of the Commissioner of Agriculture under such rules and regulations as he may prescribe.

Sec. 12. Demands for Analysis.—That any purchaser of an article of food or of a drug shall be entitled to have such article analyzed by such analyst and to receive from him a certificate of the result of his analysis; and any

Health Officer, Inspector of Nuisances, or any Food Inspector, may procure any sample of food or drug, and if he suspects the same to have been sold to him contrary to any of the provisions of this Act, he shall submit the same to the Commissioner of Agriculture to be analyzed, who shall, with all convenient speed, caused such analysis to be made, and give a certificate to such officer wherein he shall specify the result of the analysis.

Sec. 13. Purchase of Samples for Analysis.—That if any officer mentioned in section 12 of this Act shall apply to purchase any article of food or any drug exposed to sale, or on sale, by retail, on any premises or in any shop or store and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such officer shall have the right to enter the premises where the same shall be exposed for sale and seize or take into his possession a sufficient quantity of any such food or drug and shall keep the same for the purpose of analysis.

Sec. 14. Definitions.—That the term "food" as used in this Act shall include every article used for food or drink by man other than drugs or water. The term "drug" as used in this Act shall include all medicine for internal or external use.

Sec. 15. Exemption of Certain Articles.—That the Commissioner of Agriculture may, from time to time, declare certain articles or preparations to be exempt from the provisions of this Act, and it shall be the duty of the Commissioner to prepare and publish, from time to time, a list of the articles, mixtures or compounds declared to be exempt from the provisions of this Act in accordance with this section.

Sec. 16. Previous Legislation.—Then all acts and parts of Act inconsistent with this Act be and the same are hereby repealed.

ADULTERATION OF SYRUPS.

Chapter 5231.

Sec. 1. That from and after September 1, 1903, it shall be unlawful for any person or persons, firm or corporation, or agent thereof, to sell, advertise for sale, or offer for sale within the limits of this State any adulterated or mixed syrup whatever, except that at the time of sale or offer for sale, the percentage of such adulteration or mixture is clearly stamped or labeled on the bottle, can, case, barrel or other receptacle containing such syrup. The terms "adulterated mixture" or "admixture" as used in this Act is understood to apply to all mix-

tures of two or more ingredients differing in their nature or quality, such as sugar cane syrup, sorghum syrup, maple syrup, molasses or glucose.

Sec. 2. That all packages of adulterated or mixed syrups in barrels or other receptacles shall bear the name and post office address of the manufacturer or manufacturers.

Sec. 3. All persons, firms or corporations,

or agents thereof, found guilty of a violation of this Act shall be guilty of a misdemeanor, and shall be punished for each offense in a sum not exceeding \$500, or imprisonment in the county jail for a term not exceeding six months or both at the discretion of the court.

Sec. 4. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

PURE FOOD LAWS OF GEORGIA.

The State of Georgia has no Dairy or Food Commission, nor any board with supervisory powers over food products, except in a general way through the Agricultural Department. The Agricultural Department consists of the following members:

O. B. Stevens, Commissioner.

R. F. Wright, Assistant Commissioner.

A digest of the laws on this subject is as follows:

No. 261.

An act to prevent the practice of fraud upon the public in the sale and use of the product known as oleomargarine, by prescribing the manner in which it may be sold, and the conditions upon which hotels, inns, restaurants and houses of public entertainment can only furnish it to their guests. Providing a penalty for the violation of the same.

Sec. 1. Provides it is unlawful for a manufacturer, merchant, shopkeeper or other person to sell or expose for sale the product known as oleomargarine without his branding, marking or labeling the same in a legible manner and conspicuous place with the word "Oleomargarine," so as to be easily observed by persons offering to purchase same, and without first informing such person that the article is oleomargarine.

Sec. 2. Provides it is unlawful for any proprietor, keeper or manager of any hotel, inn, restaurant or house of public entertainment to furnish or permit to be offered, furnish or set before his guests the article known as oleomargarine without first giving notice by posting in a conspicuous place in the dining-room and all other rooms where guests are accustomed to take meals, also in private rooms of guests, notices that can be easily observed and read by the guests in the following words: "This house uses oleomargarine," and by printing such notices on their bills of fare, when such bills are used by any such house.

Sec. 3. Any person knowingly violating this act shall be guilty of a misdemeanor and pun-

ished as prescribed in section 4310 of the code.

Sec. 4. Repeals all laws conflicting herewith.

ADULTERATED MILK, BUTTER,
CHEESE, UNWHOLESOME PROVI-
SIONS, ETC.

ARTICLE 16.

Par. 456. Provides that no person, corporation or agent thereof shall sell, expose for sale or deliver for domestic use any unclean, impure, unwholesome, adulterated or skimmed milk, or milk from which has been held back what is known as "strippings," or milk taken from an animal having disease, ulcers or abscesses, or from an animal within fifteen days before or five days after parturition. Provided, this section shall not apply to the sale of adulterated milk or skimmed milk when sold as such. Milk proven by any reliable test or analysis to contain less than 3½ per cent of butter fat shall be regarded as skimmed or partially skimmed milk.

IMITATION BUTTER AND CHEESE.

Par. 457. Every articles, substance or compound other than that produced from pure, whole milk or cream from the same, made in the semblance of butter or cheese, designed as a substitute for butter or cheese made from pure milk or cream from the same, or as imitation butter or imitation cheese, as the case may be, provided, the use of salt rennet and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

Par. 458. Prohibits any person by himself or agent from producing, manufacturing and selling, keeping or offering for sale any imitation butter or cheese made in violation of this article, whether such imitation be made in this state or elsewhere; but nothing herein shall be construed prohibiting the manufacture and sale of imitation cheese or butter under regulations herein provided if manufactured and sold as herein prohibited.

Par. 459. No person by himself or otherwise shall sell or offer for sale any imitation butter or cheese under the pretense that it is genuine butter or imitation cheese, or sell any such imitation without notifying the purchaser distinctly at the time of sale that it is such an imitation and delivering to the purchaser such a statement printed in black letters not smaller than four line pica in the English language, that the article is an imitation and give the name and address of the producer and contain no other words.

Par. 460. No keeper or proprietor of a bakery, hotel, boarding-house, saloon, restaurant, lunch counter or other place of public entertainment or any employe or person having charge thereof or any person furnishing board to others than his own family, shall keep, use or serve therein either as food for the guests or otherwise, boarders, customers or employes, or for cooking purposes, any imitation butter or imitation cheese, unless such keeper, proprietor or other person keep constantly posted in a conspicuous place in the room where such imitation shall be served or sold, so that same may be easily seen and read by any person in such place, a white card not less than 10 by 14 inches in size, on which shall be printed in English, in plain black, Roman letters, the words "Imitation butter used here" or "Imitation cheese used here," as the case may be, and said card shall contain no other words.

Par. 461. No person shall coat, powder or color with annatto or any coloring matter whatever, any substitute for butter or cheese where-by such substance shall be caused to resemble

butter or cheese, the product of pure milk or cream.

Par. 462. No person shall combine any fat or vegetable oil or other substance with butter or cheese, or combine therewith animal fat or vegetable oil any annatto or other coloring matter for the purpose of imparting thereto a yellow color or any shade of yellow, so that such substance shall resemble genuine butter or cheese, nor introduce any such coloring matter into any article of which said substitute may be composed. Provided, nothing in this act shall prohibit the use of salt, rennet or harmless coloring matter for coloring the product of pure milk or cream from the same.

Par. 463. Every person who willfully manufactures any substance as a substitute for butter or cheese shall brand, stamp or stencil upon the top and side of each box, tub or other vessel in which said substitute shall be kept or removed from the place where produced, in a clear durable manner in the English language the words "Substitute for butter," or "Substitute for cheese," as the case may be, in printed letters, in plain, Roman type, each one to be not less than one inch in width and one-half inch in width.

464. No person shall possess or control, except for consumption by himself or family, any substance designed to be used as a substitute for butter or cheese, unless the vessel containing it shall be marked as required in the preceding section.

PENALTY.

A violation of any of the foregoing provisions of this article shall be a misdemeanor.

ESTABLISHED 1871.

W M. HENNING.

Manufacturer of Pure Grain,
Distilled Vinegar made from the
best grades of Corn, Rye and Malt.

VINEGAR WORKS:
113-117 East North Avenue
Chicago, Ill.

Vinegar
—and—
Pickles.

Packer of Sweet, Sour and Dill
Pickles, also Chow Chow, Mixed,
Piccalilly etc. in bulk.

PICKLE WORKS:
Morton Grove, Ill.

OFFICE: 117 East North Avenue, Chicago, Illinois.



A. M. McPHERSON,
Idaho Dairy and Pure Food Commissioner.

PURE FOOD LAWS OF IDAHO.

The pure food laws of the State of Idaho are enforced by a Dairy, Pure Food and Oil Commissioner, and by a State Board of Dairy, Pure Food and Oil Commissioners, composed of the Secretary of State, the Professor of Agriculture and Superintendent of Institutes and one other person appointed by the Governor, which Board shall act in conjunction with the State Board of Horticultural Inspection in carrying out the provisions of said laws.

Dairy, Pure Food and Oil Commissioners—Thos. P. Maryatt, Chairman, Weiser; Prof. H. T. French, Superintendent of Institutes, Moscow; Will H. Gibson, Secretary State, Boise.

A. E. Gipson, Secretary.

A. McPherson, Commissioner.

HOUSE BILL NO. 97—SUBSTITUTE FOR HOUSE BILL 56.

An act regulating the manufacture and sale of dairy, food and oil products; to prevent deception or fraud in the sale of the same or imitation thereof, providing for the appointment of a Dairy, Food and Oil Commissioner, and defining his duties; creating a State Board of Dairy, Food and Oil Commissioners and defining their duties; Providing penalties for violations of this law; making an appropriation.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any person to sell or offer for sale, or furnish or deliver to any creamery, cheese factory, corporation, person or persons whatsoever, as pure, wholesome, and unskimmed, any unmerchable, adulterated, skimmed, impure or unwholesome milk.

SEC. 2. In all prosecutions or other proceedings under this or any other law of the State, relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered, or had in possession with intent to sell or offer for sale, or to furnish or deliver, as aforesaid, as pure, wholesome, or unskimmed milk, contain less than three per centum of pure butter fat, or less than eight per centum of milk solids other than fat, when subjected to chemical analysis or other satisfactory tests, or that it, or any part of it, was drawn from cows known by the person complained of to have been within fifteen days before or four days after parturition, or to have any disease or ulcers or other running sores, then and in either case the said milk shall be held and judged to be unmerchable, adulterated, impure or un-

wholesome, as the case may be, and if it shall appear that the cows kept for the production of milk or cream, for market or sale or exchange, or for manufacturing their milk into articles of food, are kept in a crowded or unhealthy condition, or are being fed on distillery waste or other substances in a state of putrefaction or rotteness, or upon any substance of an unhealthful nature, the milk or cream from same is hereby declared impure and unwholesome. Any milk or cream that has been exposed to or contaminated by emanation, discharges or exhalation from persons or animals, or to which has been added any borax, boracic acid, salicylic acid or any other poisonous substance which prevents or tends to prevent the normal bacterial action of milk, is hereby declared to be impure and unwholesome.

SEC. 3. Cream cheese under this act shall contain not less than thirty per centum of pure butter fat and have been manufactured from pure and wholesome milk, from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter or any substance for butter, or any animal or vegetable fats or oils, have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling said cheese. All cheese containing less than thirty per centum of pure butter fat shall be marked "Skimmed cheese" in full face capital letters not less than one inch high, with such ink as is not easily removed by moisture. The manufacture or sale of any cheese containing less than fifteen per centum of pure butter fat, or so called "filled cheese," is hereby prohibited: Provided, That nothing in this section shall be construed to apply to Edam, Brickstein, Pineapple, Limburger or Swiss cheese, or hand-made cheese or any other fancy cheese: Provided, further, That cheese not made in this State, but which shall be sold or offered for sale in this State, shall be so stamped as to indicate its true character: and, Provided, further, That no cheese shall be stamped "full cream," which does not in every particular comply with the requirements of "full cream" cheese, as hereinbefore set forth, except as to place of manufacture.

SEC. 4. The Dairy and Oil Commissioner shall furnish blanks to all proprietors or managers of creameries, cheese factories, or milk dairies that ship milk and all venders and peddlers of milk and dairy goods handled, and all owners or managers of such creameries and

cheese factories, and all milk dairies and all milk vendors, or milk peddlers shall fill out the blanks giving a full and accurate report of the business done during the year, and send it to the Dairy, Food and Oil Commissioner before the first day of November of each year; every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or the producer a tag containing in plain figures a correct statement of capacity thereof.

Any neglect or failure or false statement on the part of the proprietor or manager of such creamery, cheese factory, dairy or milk vendor or milk peddler, shall be considered a misdemeanor and upon conviction thereof shall be punished as provided in section 30: Provided, That any information thus furnished shall be published only in such form as to show totals and averages, and not for the details of the business of any individual or concern.

SEC. 5. No person, by himself, his agents, or his servants, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell or serve to patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum, school or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, or oil, or oleaginous substance or compound thereof, not produced directly and wholly at the time of manufacture from adulterated milk or cream from the same, with or without harmless coloring matter, which shall be in imitation of yellow butter produced from pure, unadulterated milk or cream from the same: Provided, That nothing in this act shall be construed to prohibit the manufacture and sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient which causes it to resemble butter, or the use of the same by patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance or boarding house, when signs are displayed in a conspicuous place that may be easily read from any part of the room.

SEC. 6. It shall be unlawful for any person to sell or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except salt, rennet and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed milk or pure half-skimmed milk.

SEC. 7. The State Horticultural Inspector shall also be the Dairy, Pure Food and Oil Commissioner.

SEC. 8. It shall be the duty of the Dairy, Pure Food and Oil Commissioner, to enforce all laws that now exist or that may be hereafter enacted in this State regarding the protection, manufacture, or sale of dairy produce, and inspect any article of milk, butter, cheese, or imitations thereof, made or offered for sale within the State, which he may suspect or have reason to believe to be impure, unhealthful, adulterated, or counterfeit; and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated or counterfeit dairy products contrary to law.

SEC. 9. Any person who shall violate any of the provisions of this act, or who shall obstruct the Dairy, Pure Food and Oil Commissioner in the performance of his duties under this act by refusing him entrance to any place enumerated in the preceding section, or by refusing to deliver to him any dairy products or imitations thereof upon demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 30 of this act.

SEC. 10. The Dairy, Pure Food and Oil Commissioner and Horticultural Inspector shall receive a salary of eighteen hundred dollars (\$1,800) per annum, one-half of which shall be paid from the funds provided under this act, and the Secretary of the Board of Dairy, Pure Food and Oil Commissioner shall be the Secretary of the State Board of Horticultural Inspection and his salary shall not exceed seven hundred dollars (\$700) per annum, one-half of which shall be paid from the funds provided under this act and one-half from the funds provided for Horticultural Inspection.

SEC. 11. It shall be the duty of the Attorney General or the prosecuting attorney in any county of the State, when called upon by the dairy commissioner, to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act.

SEC. 12. The Secretary of State, the Professor of Agriculture and Superintendent of Institutes and one other appointed by the Governor of the State shall hereby constitute a State Board of Dairy, Pure Food and Oil Commissioners, who, in conjunction with the State Board of Horticultural Inspection, shall carry out the provisions of this act.

SEC. 13. The State Board of Dairy, Pure Food and Oil Commissioners, shall receive no

compensation for their services as such board, but shall be allowed necessary traveling expenses, and the Commissioners and Secretary shall be allowed traveling, printing and other expenses not exceeding \$1,200 annually. All accounts for expenditures incurred or made pursuant to the provisions of this act shall be approved and certified by the said State Board of Dairy, Pure Food and Oil Commissioners before presentation to the State Auditor.

SEC. 14. The State Board of Dairy, Pure Food and Oil Commissioners shall biennially on December first, report to the Governor of this State a full account of their official actions under this act, also the operations and results of this or any other laws pertaining to the dairy industry of the State; a full account of all expenses and disbursements of the board; as full and complete statistics as it is in their power to collect pertaining to the manufacture, imports and exports, of the dairy products within the State for the biennial term, and shall make suggestions as to the need of further legislation on this subject.

SEC. 15. All expenses incurred under the provisions of this act shall be audited as required by this law upon bills being presented, properly certified by the Board of Dairy, Pure Food and Oil Commissioners, and the State Auditor shall, from time to time, draw warrants upon the State Treasurer for the amounts thus audited.

SEC. 16. To carry out the provisions of this act, there is hereby appropriated out of the general fund of the State for the term of two years beginning April 1st, 1903, four thousand nine hundred (\$4,900) dollars.

SEC. 17. One half of all fines collected under the provisions of this act shall be paid to the State Treasurer and placed to the credit of the general fund, and the remainder to be paid forthwith, into the treasury of the county in which the conviction is obtained.

SEC. 18. All clerks, bookkeepers, express agents, railroad officials, employees or employees of common carriers shall render to the Dairy, Food and Oil Commissioner and his deputies all the assistance in their power in tracing, finding or discovering the presence of any article named in this act. Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials, employees or employees of common carriers to render such friendly aid shall be a misdemeanor, punishable as provided in section 30 of this act.

SEC. 19. No person, persons or corporations shall sell or offer for sale any cream taken from impure or diseased milk, or any cream

that contains less than eighteen per centum of pure butter fat.

SEC. 20. No person, persons or corporations shall sell or expose for sale in any store or place of business or in any wagon or other vehicle used in the transportation or sale of milk from which cream has been removed or milk commonly called "skimmed milk" without first marking the can or package containing said milk with the words "Skimmed milk" in large plain black letters, each letter being at least one inch high and one half inch wide, said words to be on the side not below the middle of said can or package, where they can be easily seen. Any person, persons or corporations violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for each and every offense as provided in section 30 of this act.

SEC. 21. That all moneys received from the sale of any and all goods confiscated under this act shall be received by the said commissioner and deposited the first of every month with the State Treasurer, to be placed in the general fund.

SEC. 22. Possession by any person or firm of an article or substance the sale of which is prohibited by this act shall be considered prima facie evidence that the same is kept by such person or firms in violation of the provisions of this act, and the commissioners shall be authorized to seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction thereof, he shall sell the same for any purpose other than to be used for food, the proceeds to be paid to the State Treasurer and placed to the credit of the general fund.

SEC. 23. No person, firm or corporation shall manufacture, sell or offer for sale or have in his possession with the intent to sell butter known as "process butter" unless the package in which the butter is sold has marked on the side of it the words "Renovated Butter" in capital letters one inch high and one-half inch wide with ink that is not easily removed: Provided, that it shall be unlawful for any retailer to sell said butter unless a card is displayed on the package from which he is selling butter with the following words printed thereon so that it may be easily read by the purchaser, "Renovated Butter," or if it is sold in packages on which a wrapper is used, the words "Renovated Butter" shall be plainly printed on each and every wrapper: Provided, further, That all process butter shipped from other States shall be subject to the same regulations as provided in this section. Whoever violates the provisions of this section shall be

deemed guilty of a misdemeanor, and upon conviction shall be punished for each and every offense as provided in section 30 of this act.

SEC. 24. No person, persons or corporations shall, within the State, manufacture for sale, offer for sale, or sell any article of food which is adulterated within the meaning of this act.

SEC. 25. The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

SEC. 26. Any article shall be deemed to be adulterated within the meaning of this act: In the case of food.

(1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity. (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.

(4) If it is an imitation of or sold under the name of another article. (5) If it consists wholly or in part, of a diseased, decomposed, putrid, infected, tainted, or rotten animal, vegetable or fruit substance or article, whether manufactured or not: or in case of milk, if it is the product of a diseased animal. (6) *If it is colored*, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. (7) If it contains any added substance or ingredient which is poisonous or injurious to health: Provided, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale is distinctly labeled as mixtures or compounds, with the name and per cent of each ingredient therein and are not injurious to health. (8) All canned fruits, vegetables, and meats, put up in tin cans, shall be stamped in cover, the year when put up.

SEC. 27. It shall be unlawful for any person, corporation or association to sell or offer to sell any coal oil, naphtha, gasoline, benzine or other mineral oils or fluids the product of petroleum that will ignite at a temperature less than one hundred and fifty degrees Fahrenheit. It shall be the duty of the Dairy, Pure Food and Oil Commissioner to provide himself with a J. Taglabue's pyrometer or some other instrument equally accurate and inspect the oils offered for sale and should he find after applying the fire test, any of the oils mentioned to be of a lower test than one hundred and fifty degrees he shall condemn such oil for illuminating purposes.

SEC. 28. Any person, persons or corpora-

tions manufacturing, exposing or offering for sale, or delivering to a purchaser, any article of food or oils included in the provisions of this act, shall furnish to any person interested or demanding the same, (who shall apply to him for the purpose, and shall tender him the value of the same), a sample sufficient for the analysis or testing of any such article of foods or oils which is in his or their possession.

SEC. 29. In all prosecutions arising under this act the certificate of the chemist making the analysis or testing, when duly sworn to by such analyst, shall be prima facie evidence of the fact or facts therein certified.

SEC. 30. Whoever refuses to comply, upon demand with any of the requirements of section 28, or whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars nor less than twenty-five dollars, or imprisonment not exceeding ninety nor less than thirty days, or both; any person found guilty of manufacturing, offering for sale, or selling any adulterated articles of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of food of which said person may have been found guilty of manufacturing, selling, or offering for sale: Provided, That all penalties and costs for the violation of the provisions of this act shall be paid to the State Dairy, Food and Oil Commissioner, or his agent, and by him paid into the State Treasury.

SEC. 31. That no person shall, by himself, his servant or agent, or as servant or agent of any other person, persons or corporations, manufacture for sale, or knowingly sell or offer to sell any candy or other confectionery adulterated by the admixture of terra alba, barytes, talc, or any other mineral substances, or by poisonous colors or flavors or other ingredients injurious or detrimental to the health of consumers.

SEC. 32. Any person violating any of the provisions of section 31 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$100, or sentenced to the county jail for a period of not exceeding six months; and in addition to such fine or punishment, the candy adulterated shall be forfeited and destroyed by the court having jurisdiction of all cases arising under this act.

SEC. 33. It shall be the duty of the Dairy, Pure Food and Oil Commissioner to enforce the provisions of this act and also an act to

prevent the adulteration of vinegar, approved March 9th, 1899, and all other acts intended to prevent the adulteration of food and foodstuffs.

Sec. 34. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 35. Whereas an emergency exists, therefor this act shall take effect from and after its passage.

Approved the 9th day of March, 1903.

SENATE BILL NO. 88.

AN ACT to Prevent the Adulteration of Vinegar, and to Regulate the Manufacture and Sale Thereof.

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. No person shall manufacture for sale, or knowingly offer for sale, or have in his possession with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric acid, or other ingredient injurious to health.

SEC. 2. No person, by himself his servant, or agent, or as the servant or agent of any other person, shall sell, exchange, deliver or have in his custody or possession, with intent to sell or exchange, expose or offer for sale, any adulterated vinegar, or any vinegar not in compliance with the provisions of this act. Nor shall he label, brand or sell as cider vinegar, or as apple vinegar any vinegar not the legitimate product of pure apple juice, or not made exclusively from apple cider.

SEC. 3.—All manufacturers of vinegar, in the State of Idaho, and all persons who reduce or re-barrel vinegar in this State, and all persons who handle vinegar in lots of one barrel or more, are hereby required to have stenciled or marked in black letters or figures at least one inch in length on the head of each barrel or package of vinegar bought or sold by them the kind (cider, malt, grain or wine, etc.) and the standard strength of the vinegar contained in the package or barrel, which shall be denoted by the per cent of acetic acid. All vinegar except cider, shall have an acidity equivalent to the presence of not less than four and one-half per cent, by weight, of absolute acetic acid and in case of cider vinegar it shall contain not less than two per cent by weight, of cider vinegar solids upon full evaporation over boiling water.

Sec. 4. That no person or persons known as retailers who sell vinegar by the gallon shall reduce by water or other mixture the strength of vinegar purchased and sold by them, unless he shall mark in plain figures on said package, or barrel, the strength of the

vinegar still contained in said package or barrel.

Sec. 5. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and all vinegars found in their possession not in accordance with this act shall be subject to forfeiture and spoliation.

This act shall be construed as meaning that the possession of vinegar in barrels or packages shall be prima facie evidence of having the same for sale.

Sec. 6. This act shall take effect upon approval.

Approved, March 9, 1899.

RULES AND REGULATIONS.

Rule 1. Milk sold by milk vendors or milk peddlers shall not contain less than 3 per cent butter fat and 8 per cent solids other than fat. A can containing milk from which the cream has been removed or having less than 3 per cent butter fat or 8 per cent solids other than fat, shall be labeled "skimmed milk" in large, plain, black letters, each letter being at least 1 inch high and $\frac{1}{2}$ inch wide, said words to be on the side not below the middle of said can or package where they can be easily seen. Cream shall not contain less than 18 per cent of butter fat.

Rule 2. Any milk drawn from cows within 15 days before or 4 days after calving, or having any diseases, ulcers, running sores or putrefaction of any kind, and the sale thereof is prohibited.

Rule 3. Any milk or cream that has been exposed to or contaminated by emanation, discharges or exhalation from persons or animals, or to which has been added any borax, boracic acid, salicylic acid, formalin, formaldehyde or any other poisonous substance which prevents or tends to prevent the normal bacterial action of milk, is declared to be impure and unwholesome, and the sale thereof is prohibited.

Rule 4. Cows will be considered in an unhealthy condition when they are confined in close and illy ventilated stalls, or where they are compelled to breathe emanations from a manure pile or from wet and uncleanly stalls.

Rule 5. The sale of milk from cows kept by a family in which there is an infectious disease is prohibited.

Rule 6. Cheese shall be made exclusively of milk or cream and shall not contain any added substance other than salt, rennet and harmless coloring matter. Cream cheese shall not contain less than 30 per cent of butter fat. All cheese containing less than 30 per cent of butter fat shall be labeled "skimmed cheese" in full face capital letters not less than 1 inch high with ink that is not easily removed by moisture.

The sale of any cheese containing less than 15 per cent of butter fat, or so called filled cheese, is prohibited; Edam, Brickstein, Pine Apple, Limberger or Swiss cheese, or any hand-made or fancy cheese, is excepted. Cheese not manufactured in the state shall be subject to the same rule.

Rule 7. Butter must be made exclusively from cream. It may be colored with harmless coloring matter not injurious to health.

The manufacture or sale of process butter or renovated butter or any other article, product or compound made wholly or partly out of any fat, oil, or any other oleaginous substance, or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or cream, is prohibited, unless the package in which the butter is sold has marked on the side of it "Process Butter," "Renovated Butter," or "Butter Compound," in printed capital letters 1 inch high and $\frac{1}{2}$ inch wide with ink which is not easily removed. All brands or markings must be displayed in a conspicuous way so that the public may be fully advised.

All butter shipped into this state from other states will be subject to the same rule.

Rule 8. The sale of oleomargarine shall be governed by the national law on this subject, provided, that it shall be branded as such, and provided, further, that stores, hotels, restaurants, boarding houses, etc., shall have conspicuously hanging in the center or placed on the side of any store or room where it is sold or furnished, a white placard, on which is printed in black ink, in plain Roman letters, the words "Oleomargarine sold here," or "Oleomargarine used here," in letters which may be read from any part of the room.

Rule 9. Vinegar. All vinegars made wholly or in part from distilled liquor must contain $4\frac{1}{2}$ per cent of acetic acid, free from artificial coloring matter, and branded "Distilled Vinegar." All vinegars made by fermentation or oxydation shall be branded "Fermented Vinegars" with the name of the fruit or substance from which the same is made, shall be free from foreign substance, and shall not contain less than 2 per cent of solids contained in the fruit or grain from which the vinegar was made. Vinegar shall not contain any preparation of lead, copper, sulphuric acid or any ingredient injurious to health.

Rule 10. The brand or label on any article of food or drink shall be printed in English, except where the food or drinks are manufactured in a country not speaking the English language. All foods manufactured, sold or offered for sale are held to be represented as pure unless accompanied by adequate notice to the contrary. All mixtures, compounds, combi-

nations, imitations or blends shall be labeled, branded or tagged, so as to plainly indicate that they are mixtures, combinations, compounds, imitations or blends, with the name and per cent of each ingredient therein. Any ingredient injurious to health is forbidden.

Rule 11. The use of preservatives, such as compounds of copper, lead or antimony, sulphuric acid, formaldehyde or formalin, salicylic acid, benzoic acid, saccharine, borax, or any other anti-ferment or deleterious substance would be a violation of the law. The use of coal tar dyes in coloring food products is prohibited.

Rule 12. All soda fountain syrups and fruit syrups, if artificial, shall have the words "artificial" printed on the package or label of the package, in the same size, style, background and color of letter as the name of the article. All soda fountains or places where soft drinks are sold or served shall have printed on a placard the words "artificial drinks," and hung in a conspicuous place. Refilling bottles, cans or dishes of any description with a different product than they contained originally without removing the label will be considered a violation of the law.

Rule 13. All decomposed, putrid, infected or rotten animal or vegetable or fruit substance, and articles, whether manufactured or not, cannot be sold without violating the law.

Rule 14. All canned fruits, vegetables and meats put up in tin cans cannot be sold unless stamped in cover the year when put up.

Rule 15. Extracts made of more than one ingredient shall be labeled with the name of each ingredient. Extracts that are not made from the fruit, berry or bean, and are made artificially, such as raspberry, strawberry, pineapple or banana, shall be labeled "Artificial Flavor."

Rule 16. Candy and confections must be free from mineral matter, and not colored with any substances poisonous or injurious to health.

Rule 17. All eating houses, hotels, restaurants, etc., shall be subject to the same rules and regulations as provided for dealers of food products. Having on the table will be an evidence of serving.

Rule 18. Honey shall be pure. If mixed with glucose, cane sugar or other substances, it shall be labeled so as to show that it is a compound, and per cent of each constituent, with the name printed on the package.

Rule 19. Jelly shall be true to name. Imitation fruit jellies, butters or other similar compounds, made or composed in whole or in part of glucose, dextrine, starch or other substances, may be sold if uncolored, and are distinctly labeled "Imitation" fruit, jelly or but-

ter, with the name and per cent of each ingredient printed on the label or package.

Rule 20. Lard shall be true to name. Imitation lard in the manufacturers' packages shall be distinctly branded or labeled so as to show that it is a compound. The name and per cent of each ingredient shall be printed on the label. This also applies to small quantities when put up for immediate delivery.

Rule 21. Maple sugar and maple syrup shall be pure and true to name. They may be mixed with other sugar and syrup and sold as "Maple Sugar Compound" or "Maple Syrup Compound," with the name and per cent of each constituent printed on the package.

Rule 22. Spices shall be pure and true to name, or if compounded with any other article, shall be sold as a "compound," with the name and per cent of each ingredient of the compound stated on the package.

Rule 23. Peas and pickles colored with copperas will be considered a violation of the law.

Rule 24. All coal oil used for illuminating purposes shall stand a test of 150 degrees F. by Tagliabue's pyrometer or open cup test.

These rulings must not be considered as law. They are an interpretation of the law by the Commissioner, and have been approved by the Board of Commissioners.

Libby's Peerless Wafer Sliced Dried Beef

The one way to know *how good* a good thing *is*, is to

Try It.

Our Peerless Wafer Sliced Dried Beef is one of our thirty varieties of perfectly packed canned foods and comes to you as fresh, dainty and deliciously flavored as the moment it was sliced.

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**Producers of Calumet and Coin Special Brands of
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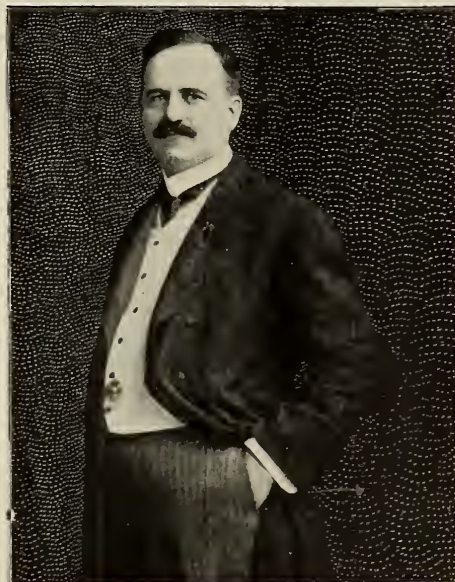
Correspondence Solicited



A. H. JONES,
Illinois State Food Commissioner.



DR. E. N. EATON,
Illinois State Analyst.



R. M. PATTERSON,
Assistant Illinois State Food Commissioner.

ILLINOIS STATE FOOD COMMISSION.



LOUDON'S

Tomato Catsup,
"Rockaway" Catsup,
(FOR OYSTERS)
Tomato Soup.

✻ FAULTLESS FLAVOR AND QUALITY ✻

USED BY ALL THE BEST PEOPLE.
SOLD BY ALL THE BEST GROCERS.

CHAS. F. LOUDON,
CINCINNATI, OHIO.

PURE FOOD LAWS OF ILLINOIS.

In the State of Illinois the State Food Commissioner's office is charged with the enforcement of the laws relating to the adulteration of food and drink. The State Food Commissioner is appointed by the Governor. His term of office is for two years, at a salary of \$2,500 per annum. The Food Commissioner may appoint, with the advice and consent of the Governor, two Assistant Commissioners, one of whom shall be an expert in dairy products, and the other of whom shall be a practical analytical chemist, who shall be known as the State Analyst. The General Assembly of 1901 has also appropriated the sum of \$1,000 per annum to the State Food Commissioners, for the salary of an Assistant State Analyst. The State Food Commissioner may also appoint not to exceed six inspectors to assist him in the work of his office. The salary of such inspectors is fixed at \$3.00 per day and necessary expenses. The Illinois Food Commission is composed of the following members:

Alfred H. Jones, Commissioner.

R. M. Patterson, Assistant Commissioner.

E. N. Eaton, State Analyst.

Miss Lucy Doggett, Assistant State Analyst.

Laura C. Collins, Stenographer.

Inspectors—Frank Hoey, J. C. Ware, Frank L. Hubbard, J. C. Eagleton, Carl E. Tragardh, Willard C. Campbell.

A digest of the laws upon the subject of the adulteration of food and drink, as taken from the annual report of the State Food Commissioner for 1899-1900, is as follows:

Sec. 1. That the Governor shall appoint a State Food Commissioner for the term of two years at the salary above noted.

Sec. 2. The Commissioner may appoint two Assistant Commissioners at a salary of not exceeding \$1,800 each per annum and necessary expenses. One of such assistants shall be an analytical chemist, and the other an expert in dairy products.

Sec. 3. The Commissioner may appoint not to exceed six inspectors. They shall have the same right of access to places to be inspected as the Commissioner. Their compensation is fixed at \$3.00 per day and necessary expenses.

Sec. 4. The Commissioner shall enforce laws that now exist or may be enacted regarding the production, manufacture and sale of dairy products, and the adulteration of articles of food, and prosecute for violations of these laws.

Sec. 5. The Commissioner shall inquire into the quality of dairy and food products and the constituents of food manufactured or sold with-

in this state, and he may procure samples of the same and direct the state analyst to make analysis thereof. If the same be adulterated he shall prosecute as directed under this act. The Food Commissioner or his assistants may enter any dairy, creamery, cheese factory, store, salesroom, warehouse (except bonded warehouses for the storage of distilled spirits), where goods are stored or exposed for sale, and also have power to open any cask, tub, bottle or package containing any article of food and take samples therefrom for analysis. The person making such inspection shall take such sample of such article in the presence of at least one witness, and mark or seal same, and tender at the time of taking to the manufacturer or vendor the value thereof, but if the person from whom sample is taken shall request him to do so, he shall seal two samples of the article seized, one of which shall be for analysis under the direction of the Commissioner and the other shall be delivered to the person from whom taken. Any person who shall obstruct the Commissioner or his assistants by refusing him entrance to any place where he desires to enter in the discharge of his duty, or refuse to deliver him a sample of any article of food when the same is requested and the value thereof tendered, is guilty of a misdemeanor, punishable by a fine of not exceeding \$50 for the first offense, and \$500 nor less than \$50 for each subsequent offense.

Sec. 6. The State's Attorney in any county of the state shall assist the Commissioner upon request.

Sec. 7. The State Board of Health may submit samples of food and drink for examination or analysis to the Commissioner and receive special reports from him.

Sec. 8. It is unlawful for the State Analyst to furnish any person any certificate as to the purity or excellence of any article manufactured or sold by him.

Sec. 9. Provides for the payment of the Commissioner's salary.

Sec. 10. Provides for the furnishing of a laboratory for the purpose of making analyses under this act; also provides an annual appropriation therefor of \$600.00.

Sec. 11. Provides for an annual report from the Commissioner to the Governor on or before the first day of January in each year, and as to what said report shall contain. Also provides for the distribution of such reports throughout the state.

Fines, penalties and costs for violations of this act shall be paid into the state treasury.

Unsweetered Condensed Milk

KNOWN AS

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WAS ORIGINATED IN 1885 BY

Helvetia Milk Condensing Co.

THEIR

HIGHLAND BRAND

AWARDS

Silver Medal

Mechanic's Institute,
San Francisco, 1887.

Gold Medal

Universal Exposition
Paris, 1889

Silver Medal

Massachusetts Charitable
Mechanics' Association,
Boston, 1890

Gold Medal

Piedmont Exposition,
Atlanta, 1891



AWARDS

Medal and Diploma

World's Columbian
Exposition,
Chicago, 1903.

Gold Medal and Diploma

California Midwinter
Fair,
San Francisco, 1894.

The above were the highest awards granted by the respective expositions and we did not exhibit since 1894.

Is renowned for its quality on land and sea.
Though it is slightly more expensive than any
other brand, it is constantly in urgent demand.

HELVETIA MILK CONDENSING CO.

MAIN OFFICE: HIGHLAND, ILL.

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ADULTERATED FOOD.

Sec. 12. Prohibits the manufacture, sale or possession with intent to sell any article of food adulterated within the meaning of this act.

Sec. 13. The term "food" includes all articles, whether simple, mixed or compound, used for food, candy, drink or condiment by man or domestic animals.

Sec. 14. An article shall be deemed adulterated:

First, if any substance has been mixed with it so as to depreciate or injuriously affect its quality, strength or purity; *second*, if any inferior or cheaper substance has been substituted wholly or in part for the article; *third*, if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; *fourth*, if it be an imitation of and sold under the name of another article; *fifth*, if it is mixed, colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; *sixth*, if it contains any substance or ingredient which is poisonous or injurious to health; *seventh*, if it consists wholly or in part of a decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or if it is the product of a diseased animal, or if on an animal that has died otherwise than by slaughter; *provided*, that an article of food which does not contain any ingredient injurious to health, and in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, or which shall be labeled so as to plainly indicate that they are mixtures, combinations, compounds or blends, and not included in definition fourth of this section, shall not be deemed to have been adulterated; *provided, further*, that all manufactured articles of food offered for sale shall be distinctly labeled, marked or branded with the name of the manufacturer, place of manufacture, or the name and address of the packer or seller of same.

VINEGAR.

Sec. 15. Prohibits the manufacture or sale or possession with intent to sell any vinegar not in compliance with the provisions hereof. No vinegar shall be sold as apple, orchard or cider vinegar which is not the product of pure apple juice, known as apple cider, and apple or orchard or cider vinegar shall contain upon test not less than one and three-quarters per cent by weight of cider vinegar solids upon full evaporation at the temperature of boiling water.

Sec. 16. Vinegar made by fermentation and oxidation without the intervention of distillation shall be branded with the name of the

fruit or substance from which the same is made. Vinegar made from distilled liquor or partly therefrom shall be branded "distilled vinegar." Fermented vinegar, not distilled, shall contain not less than one and one-quarter per cent by weight upon full evaporation (at the temperature of boiling water) of solids contained in the fruit from which said vinegar is fermented, and said vinegar shall contain not less than two and a half-tenths or one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegar shall be made wholly from the fruit or grain from which it purports to be made, and shall contain no foreign substance, and shall contain not less than four per cent by weight of absolute acetic acid.

Sec. 17. Prohibits the manufacture or sale or possession with intent to sell any vinegar found upon test to contain any preparation of lead, copper, sulphuric acid or mineral acid, or other ingredients injurious to health. The package containing vinegar shall be marked or branded on the head of the cask, barrel, or keg containing same with the name and residence of the manufacturer or dealer, together with the brand required in section 16 hereof.

ICE.

Sec. 18. Prohibits the sale or delivery for food or drink purposes of natural or manufactured ice containing decomposed, putrid, infected, tainted or rotten animal or vegetable substances, or any ingredient injurious to health. Ice intended for food or drink purposes shall not be composed of water of lower standard of purity than that required for domestic purposes by the State Board of Health.

CANDY.

Sec. 19. Any person manufacturing or selling candy or confectionery adulterated by the admixture of terra alba, barytes, talc or other earthy or material substances, or any poisonous coloring, flavoring or extract, or other deleterious ingredients detrimental to health, shall be punished by a fine of not less than \$10 nor more than \$100, or imprisonment in the county jail not less than ten nor more than thirty days, or both.

PRESERVED FRUITS.

Sec. 20. No packer or dealer in preserved or canned fruits or vegetables or other articles of food shall sell or offer for sale such canned or preserved fruits or vegetables or other articles of food unless they shall be entirely free from substances and ingredients deleterious to health, and unless such articles bear a mark, stamp, brand or label, bearing the name and address of the firm, person or corporation that packs same or the dealer that sells the same.

CORRESPONDENCE SOLICITED

Edward Gudeman, Ph. D.

CONSULTING CHEMIST & CHEMICAL ENGINEER
FOOD and TECHNICAL EXPERT

Chemical Analyses, Investigation and Researches. Food Products, Analyses and Manufacture. Recovery and Utilization of By-Products. Expert in Patents and Technical Litigation. Consultations as to Processes, Products, and Technical Control of Factories.
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**CHICAGO, NEW YORK, PITTSBURG, ST. LOUIS,
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Manufacturers of

Onyx Soda Fountains and Soda Water Apparatus and Supplies, "Liquid Fruits" and Crushed Fruits, "Diamond Brand," "Liquid Gas," Carbonators and Bottling Machinery and Supplies, Bottlers' Extracts and Flavors, Bottle Labels, Carbonic Automats, Beer Pumps, Brass Goods, Etc.

All soaked or bleached goods or goods put up from products dried before canning shall be plainly marked, branded, stamped or labeled as such with the words "soaked" or "bleached goods" in letters not less than two-line pica in size, showing the name of the article and the name and address of the packer or dealer who sells the same.

FRUITS, JELLIES, JAMS, ETC.

Sec. 21. Prohibits the manufacture, sale or possession with intent to sell as fruit, jelly, jam or fruit butter any jelly, jam or imitation fruit butter or other similar compound made in whole or in part of glucose, dextrine, starch or other substances and colored in imitation of fruit, jelly, jam or fruit butter; nor shall any such jelly, jam or fruit butter or compound be manufactured or sold or offered for sale under any name or designation whatever unless the same shall be composed entirely of ingredients not injurious to health, and every can, pail or package of such jelly, jam or fruit butter sold in this state shall be distinctly and durably labeled "Imitation fruit, jelly, jam or butter," with the name and address of the manufacturer or dealer therein.

Sec. 22. Extracts made of more than one principal must be labeled with the name of each principal, or with the name of the inferior or adulterant.

When an extract is labeled with two or more names the type must be similar in size. The word "compound" can't be used. Extracts which cannot be made from the fruit, berry or bean, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "artificial." Chocolates and cocoas must not contain substances other than cocoa mass, sugar and flavoring and will not be required to be labeled "compound" or "mixture." Prepared cocoanut, if so labeled, shall contain nothing but cocoanut, sugar and glycerine, and shall not be classed as compound or mixture.

Sec. 23. Whoever shall falsely brand, mark or label any article or product required by this act to be branded, marked or labeled, or shall remove, alter, deface, imitate or counterfeit any brand, mark or label so required shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$200 and costs, or by imprisonment in the county jail for not less than 30 nor more than 90 days, or both, for each offense.

Sec. 24. The taking of orders or making of agreements or contracts for the future delivery of any article, product, goods, wares, or merchandise, within the provisions hereof shall be deemed a sale.

Sec. 25. Every person manufacturing, offering or exposing for sale or delivery to a purchaser any article intended for food, shall fur-

nish upon application a sample thereof sufficient for analysis of any such article. Whoever hinders, obstructs or in any way interferes with any inspector, analyst or other officer appointed hereinunder, and whoever willfully neglects or refuses to do any of the acts or things enjoined by this act, or violates any of the provisions hereof, is guilty of a misdemeanor, and unless otherwise provided herein, shall be punished by a fine not exceeding \$200 nor less than \$25, or be imprisoned in the county jail for a period not exceeding 90 days, or both.

Sec. 26. Repeals acts inconsistent with this act, and section 6 of an act to prevent the adulteration of butter and cheese, etc., approved June 1st, 1881.

MILK.

An act to regulate the sale of milk. Approved May 29th, 1879. In force July 1st, 1879.

Sec. 1. Provides that whoever shall for the purpose of sale for human food adulterate milk with water or foreign substance, or knowingly sell for human food milk from which the cream has been taken without notifying the purchaser thereof, or sell milk from which the "stripings" have been withheld without notifying the purchaser thereof, or sell milk drawn from a diseased cow knowing her to be so diseased as to render her milk unwholesome, and whoever shall knowingly sell for human food milk so tainted or corrupted as to be unwholesome, or supply or bring to be manufactured into any substance for human food to any cheese or butter factory or creamery without all interested therein knowing or being informed of the fact milk adulterated with water or foreign substance, or any milk such as has been specified in this section, or shall with intent to defraud take from milk after it has been delivered to a cheese factory or butter factory or creamery to be manufactured into any substance for human food, for or on account of the person supplying the milk or cream, or shall with like intent knowingly add any foreign substance to milk or cream, whereby it or the products thereof shall become unwholesome for human food, shall be guilty of a misdemeanor, and for each offense shall be fined not less than \$25 nor more than \$100, or confined in the county jail not exceeding six months, or both.

Sec. 2. Provides a penalty for adulterating milk for the purpose of sale or exchange, or for keeping cows for the production of milk for market, sale or exchange in any unhealthy condition, or knowingly feeding them upon food that produces impure, diseased or unwholesome milk: declares a misdemeanor punishable by a fine of not less than \$50 nor more than \$200 for each offense.

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Pickles

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Illinois Vinegar Manufacturing Company
The Largest Vinegar Factory in the World



We Guarantee Our Vinegar to Comply with the Pure Food Laws. For Further Particulars, address
ILLINOIS VINEGAR MANUFACTURING COMPANY,
Nos. 1233-1291 West Nineteenth Street, **CHICAGO, U. S. A.**

Sec. 3. Retailers in the sale or exchange or traffic of milk shall have each and every can in which milk is carried or exposed for sale or exchange, and the carriages or vehicles from which the same is vended, conspicuously marked with his or their names, indicating by said mark the locality from which said milk is obtained or produced: for every neglect of such marking the person so neglecting shall be subjected to the penalties in section 2 of this act. For every violation of this act by so marking said cans, carriages or vehicles so as to convey the idea that said milk is produced or procured from a different locality than it really is, the person so offending shall be subject to a fine of \$100.

Sec. 4. Any person who shall sell in any of the cities in this state milk from which the cream or any part thereof shall have been taken shall offer the same as skimmed milk and not otherwise, and shall have each can or vessel in which such milk is carried or exposed for sale plainly and conspicuously marked with the words "Skimmed milk." Any person violating this section shall be fined not exceeding \$50 for each offense.

Sec. 5. Provides that in the rendition of a judgment imposing a fine as heretofore specified judgment for costs shall also be included, in default of payment of which a capias against the body of the defendant shall issue, committing him to the county jail, there to remain, as provided by section 308 of "An act to revise the law in relation to criminal jurisprudence," in force July 1, 1874.

Sec. 6. The addition of water or any foreign substance to milk or cream intended for sale or exchange is declared an adulteration. Milk that is obtained from cows fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction, is declared to be impure and unwholesome.

This act does not prohibit the addition of sugar in the manufacture of condensed or preserved milk.

An act to fix the standard of analysis for milk. Approved June 7, 1897.

Sec. 1. The standard of analysis for milk in this state as to ingredients and preparations shall be: Water 88 per cent, milk solids 12 per cent, such solids to contain not less than 3 per cent of butter fat. Contracts made for milk purchased within this state for delivery within or without this state shall contain no other standard, except by special contract in writing.

Session laws of 1897, page 268.

BUTTER AND CHEESE.

Sec. 1. Whoever manufactures out of any oleaginous substance or compound thereof other than that produced from unadulterated milk or

cream from the same any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same, and shall sell or offer for sale the same as butter or cheese, or give to any person the same as an article of food, as butter or cheese, shall be fined not less than \$25 nor more than \$200.

Approved June 1st, 1881.

VINEGAR.

Sec. 1. Whoever shall manufacture or sell as cider vinegar any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively of said cider, shall for each offense be punished by a fine of not less than \$25 nor more than \$50.

Sec. 2. Every person who shall manufacture or offer for sale any vinegar found upon test to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious to health shall for each offense be punished by a fine of not less than \$100.

Approved June 14, 1883.

VEAL.

Sec. 1. If any person kills or causes to be killed for the purpose of sale any immature calf, or any calf less than four weeks old, or knowingly sells or has in possession with intent to sell for food the meat of any such calf, he shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$50, or by imprisonment in the county jail not exceeding 30 days, or both; and all such meat exposed for sale or kept with intent to sell may be seized and destroyed by any health officer, sheriff, deputy sheriff, constable or police officer.

Approved June 16, 1887. In force July 1st, 1887.

BUTTER.

Sec. 1. For the purposes of this act every article, substitute or compound other than that which is produced from pure milk or cream therefrom, made in semblance of butter and designed to be used as a substitute for butter made from pure milk or cream from the same, is hereby declared to be imitation butter; provided, the use of salt or harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

Sec. 2. Prohibits any person from coating, powdering or coloring with annatto or any other coloring matter, any substance as a substitute for butter whereby such substitute so colored or compounded shall be made to resemble butter, the product of the dairy.

No person shall combine any animal fat or vegetable oil or other substance with butter, or combined therewith or with animal fat or vegetable oil or combination of the two, or with

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Glucose Sugar Refining Co.
Chicago, Illinois.

Manufacturers of **High Grade Corn Syrups**
Pure Wholesome Nutritious

Our Leaders: ❖ ❖ ❖

Golden Glory Fancy Table Syrup
Kairomel Brand Corn Syrup

(Put up in hermetically sealed friction top cans.)

YEARLY AVERAGE OUTPUT:—30,000,000 CANS

THE DAVENPORT SYRUP REFINERY OWNED AND OPERATED BY THIS COMPANY IS THE LARGEST AND MOST COMPLETE CORN SYRUP REFINERY in the World

“Glucose is from the Greek ‘*Glykos*,’ signifying sweet. This commercial name has served to mystify the public and to mislead as to the character of our products. Were they simply called ‘Corn Syrup,’ their names would truly indicate just what they are and the mystery would be dispelled.”

The Hon. Cyrus Edson, Commissioner of Health, New York City, in his report Oct. 12th, 1894, stated the following:

“Glucose may be justly called pre-digested Starch, since it is Starch in the exact condition that we find prepared by the digestive organs for assimilation. Glucose is pre-eminently a fat-forming, heat-producing food. Under a diet of Glucose, a man can perform more muscular work than under any other single article of food. Glucose is not only not injurious, but it is an essential article of food without which, in some form, man cannot enjoy life.”

The United States Commission on Food Standards at its last Executive Session incorporated Corn Syrup among the Standards of the Sugar Schedule.

either one, any other substance or substances for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow, so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or substance into any of the articles of which the same is composed; provided, this act shall not prohibit the use of salt, rennet and harmless coloring matter for coloring the product of pure milk or cream from the same.

No person shall produce or manufacture any substance in imitation of natural butter, nor sell nor offer for sale any imitation butter made in violation of this section, whether such imitation butter be made or produced in this state or elsewhere. This section shall not be construed to prohibit the manufacture and sale as hereinafter provided, of substances to be used a substitute for butter, and not manufactured or produced as herein prohibited.

Sec. 3. Every person who lawfully manufactures any substance as a substitute for butter shall mark by brand, stamp, or stencil, upon the top or side of each box, tub, firkin or package in which such article shall be kept or in which it shall be removed from the place where produced in a clear and durable manner in the English language the word "Oleomargarine" or the word "Butterine" or the words "Substitute for butter," or the words "Imitation butter," in printed letters in plain, Roman type, each of which shall not be less than three-fourths of an inch in length.

Sec. 4. It is unlawful to sell imitation butter without informing the purchaser thereof, or the person to whom the same is offered for sale, that the substance sold or offered for sale is imitation butter.

Sec. 5. No person shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter unless it shall be marked as provided in this act, and unless consigned to the carrier and receipted for by its true name; provided, this act shall not apply to goods in transit across this state.

Sec. 6. No person shall have in his possession or control any substance as a substitute for butter unless the box, firkin, jar, tub or package containing same is clearly and durably marked as provided in this act; provided, this section shall not be deemed to apply to persons who have the same in their possession for actual consumption by themselves or families. Every person who shall have possession or control of any imitation butter for the purpose of sale which is not marked as required herein shall be presumed to have knowledge of the true character and name thereof.

Sec. 7. Whoever shall have possession or control of any imitation butter or substance as a substitute for butter contrary to the provisions of this act for the purpose of sale shall be held to have possession thereof with intent to violate this act.

Sec. 8. Declares contracts in violation of this act non-actionable.

Sec. 9. Whoever shall deface, erase or remove any mark provided for by this act, with intent to mislead, deceive or violate any of the provision hereof, shall be guilty of a misdemeanor.

Sec. 10. Whoever shall violate any of the provisions of this act shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail not to exceed 60 days for each offense, or both; a fine alone may be sued for and recovered before any justice of the peace in the county where the offense was committed at the instance of any person in the name of the people of the State of Illinois as plaintiff.

Sec. 11. The State's Attorney of each county shall prosecute for violations of this act upon complaint of any person. Provides for his fees.

Approved June 14, 1897.

BRANDING AND SALE OF BUTTER.

Session Laws of 1901. Page 315-316.

Sec. 1. Provides, that no person, firm, corporation, agent or employe shall manufacture, sell, offer or expose for sale, in this state any butter that is produced by taking original packing stock butter, or other butter, or both, and melting same so that the butter fat can be drawn off or extracted, then mixing said butter fat with skimmed milk, milk or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section 2 of this act.

Sec. 2. Provides that no person, firm, corporation, agent or employe shall sell, offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter, as defined in section 1 of this act, unless the words "Renovated Butter" shall be plainly branded with Gothic or bold-faced letters at least three-fourths of an inch in length on the top and sides of each tub, box or pail, or other kind of a case or package, or on the wrapper of prints or rolls in which it is put up. And if such butter is exposed for sale uncovered or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place, so as to be easily seen and read by the purchaser.

SPIELMANN BROS. CO.

Manufacturers of

Pure High Grade Vinegars

Guaranteed to Comply with the
Pure Food Laws of all States

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HUSS & EDLER, Proprietors.

CHICAGO, ILLINOIS.

MANUFACTURERS OF

**CATSUP, MUSTARD,
JELLIES, PRESERVES, PIE FILLING,
PICCALILLA, SAUCES
AND
FINE CONDIMENTS**

**OUR GOODS ARE GUARANTEED TO BE EQUAL
TO ANY IN THE MARKET.**

WE SELL TO JOBBERS ONLY.

INCLUDE IN YOUR NEXT ORDER OUR BRANDS OF GOODS.

WE ARE THE LARGEST CATSUP AND MUSTARD MFRS IN CHICAGO.

Sec. 3. Provides that the State Food Commissioner and his assistants, experts and chemists, by him appointed, shall be charged with enforcing the provisions of this act. When complaint is made by the State Food Commissioner or his assistants, experts, chemists or persons authorized by him, security for costs shall not be required.

Sec. 4. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction be subject to a fine of not less than \$25 nor more than \$50, or imprisoned in the county jail not exceeding six months.

Sec. 5. The said Commissioner, his assistants, experts, chemists or agents, shall have access and ingress to all places of business, factories, stores and buildings used for the manufacture or sale of butter. They shall also have power and authority to open any tub, box, pail or other kind of case or package containing any butter that may be manufactured, sold or exposed for sale.

Approved April 24, 1901.

COLORING GRAIN.

Sec. 1. No person shall subject or cause to be subjected any barley, wheat, or other grain to fumigation by sulphur or other material or to any chemical or coloring process, whereby the color, quality or germ of such grain is affected.

Sec. 2. No person shall offer for sale or procure to be sold any barley, wheat or other grain which shall have been subjected to such fumigation, or other process, as provided in section 1 of this act, knowing such barley, wheat or other grain to have been so subjected.

Sec. 3. Any person violating the provisions of this act shall upon conviction be punished by a fine of not less than \$100 nor more than \$1,000, and imprisoned not exceeding three months in the county jail, and shall also be liable for all damages sustained by any such violation.

Sec. 4. Any court of record shall have jurisdiction over this act, and fines shall be collected as provided by statute in other criminal cases.

Approved May 25th, 1877. In force July 1st, 1877.

ADULTERATION OF FOOD, DRINK OR MEDICINE.

Sec. 1. No person shall mix, color, stain or powder, or order or permit any person in his employ so to do, any article of food with any ingredient or material so as to render the article injurious to health or depreciate its value, with intent that the same shall be sold, and no person shall sell or offer for sale such article so mixed, colored, stained or powdered.

Sec. 2. No person shall, except for the purpose of compounding into a necessary preparation or medicine, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any drug or medicine with any ingredient or material so as to affect injuriously the quality or composition of such drug or medicine, with intent to sell the same, or sell any such drug or medicine so mixed, colored, stained or powdered.

Sec. 3. No person shall mix, color, stain or powder any article of food, drink or medicine with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or order or permit any person for him to sell any article so mixed, colored, stained or powdered, unless the same be so manufactured, used or sold or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing same, so as to be and remain at all times plainly visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such article of food, drink or medicine at the time of making the sale thereof, or offering to sell the same.

Sec. 4. No person shall mix oleomargarine, suine, butterine, beef fat, lard or other foreign substance with any butter or cheese intended for human food, without distinctly marking, stamping or labeling said article or package containing same with the true and appropriate name of such article, and the percentage in which such oleomargarine or suine enters into its composition; nor shall any person sell, order or permit to be sold any such article of food into the composition of which oleomargarine or suine has entered, without at the same time informing the buyer of the fact, and the proportions in which such oleomargarine, suine or butterine, beef fat, lard or other substance has entered into its composition; provided, that nothing in this act shall be construed to prevent the use of harmless coloring matter in butter and cheese or other articles of food.

Sec. 5. Any person convicted of violating any of the foregoing sections shall for the first offense be fined not less than \$25 nor more than \$200; for a second offense not less than \$100 nor more than \$200, or be confined in the county jail not less than one month nor more than six months, or both; and for a third or subsequent offense he shall be fined not less than \$500 nor more than \$2,000 and imprisoned in the penitentiary not less than one year nor more than five years.

Sec. 6. No person shall be convicted under

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 Gillett's Spanish Saffron
 Gillett's Essence Jamaica Ginger
 Seidlitz Powders
 Etc.

any of the foregoing sections if he shall show to the satisfaction of the court or jury that he did not know that he was violating any of the provisions hereof, and that he could not with reasonable diligence have obtained the knowledge.

Sec. 7. The State's Attorneys are charged with the enforcement of this act, and it is made their duty to appear for the people and attend to prosecutions and complaints hereinunder.

Approved June 1, 1881.

CANNED OR PRESERVED FOOD.

Sec. 1. Hereafter it shall be unlawful in this state for any packer or dealer in preserved or canned fruits or vegetables or other articles of food to offer such canned articles for sale after January 1st, 1886, with the exception of goods brought from foreign countries or packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such firm, person or corporation that packed the same, or dealer that sells same. Any person labeling such goods shall be considered a packer.

Sec. 2. All soaked goods put up from products dried before canning shall be plainly branded on the face of the label in letters not less than one-half inch high and three-eighths of an inch wide of solid and legible type with the word "soaked."

Sec. 3. Any person who shall falsely stamp, label or brand such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling, and any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and punished by a fine of not less than \$50, in the case of vendors, and in the case of manufacturers and all those falsely and fraudulently stamping or labeling such cans or jars, a fine of not less than \$500 nor more than \$1,000, and it shall be the duty of any Board of Health in this state cognizant of any violation of this act to prosecute any person therefor, and after deducting the costs of trial and conviction to retain for the use of such Board the balance of the fine recovered.

Approved June 27, 1885. In force July 1, 1885.

CANDIES, LIQUORS, MILK AND MEDICINE.

An act to revise the law of criminal jurisprudence. Approved March 27, 1874.

Sec. 7. Whoever fraudulently adulterates for the purpose of sale bread or any other substance intended for food, or any candy or confection, with any substance which is poisonous or injurious to health, and whoever sells or offers for sale any adulterated bread or sub-

stance intended for food, or candy or confection, knowing the same to be so adulterated, or shall sell or keep for sale the flesh of any diseased animal, or other corrupted or unwholesome provisions, shall be confined in the county jail not exceeding one year or be fined not exceeding \$1,000, or both.

Sec. 8. Whoever adulterates for the purpose of sale any liquor used or intended for sale with cocculus, indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead, or other substance which is poisonous or injurious to health, or whoever sells or keeps for sale any liquor so adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, or both.

Sec. 9. Whoever adulterates for the purpose of sale any milk with water, chalk or other substance, or knowingly sells any such adulterated milk shall be confined in the county jail not exceeding one year, or fined not exceeding \$500.

Sec. 10. Whoever fraudulently adulterates for the purpose of sale any drug or medicine, or sells or offers or keeps for sale any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, and such adulterated drug or medicine shall be forfeited and destroyed.

FLESH OR DISEASED ANIMALS AND IMPURE LIQUORS.

CHAPTER 30.

Sec. 135. If any person shall knowingly sell the flesh of any diseased animal or other unwholesome provisions, or any pernicious or adulterated drink or liquor, every person so offending shall be fined not exceeding \$100, or imprisoned not exceeding three months.

Brayman's Revision of Statute, 1845.

LABELS—SUBSTANCES PURPORTING TO BE BUTTER OR CHEESE.

Sec. 1. Whoever manufactures, sell or causes the same to be done any substance purporting to be butter or cheese, or having the semblance thereof, which substance is not made wholly from pure cream or pure milk, unless the same be manufactured under its true and appropriate name, and unless each package, roll or parcel thereof or vessel containing one or more packages of such substance, has distinctly and durably printed, stamped or marked thereon the true and appropriate name of such substance, in ordinary bold faced capital letters, not less than five-line pica, shall be punished as provided in section 3 of this act.

Sec. 2. Whoever shall sell any such substance as mentioned in section 1 of this act

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Corn Syrups
Grape Sugar
Starch and
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General Offices: Waukegan, Illinois

to consumers, or cause the same to be done, without delivering with each package, roll or parcel so sold a label on which is plainly and legibly printed in Roman letters the true and appropriate name of such substance, shall be punished as provided in section 3 of this act.

Sec. 3. Whoever knowingly violates section 1 or section 2 hereof shall be fined in any sum not less than \$10 nor more than \$300, or imprisoned in the county jail not less than ten nor more than ninety days, or both; provided, that nothing contained in this act shall be construed to prevent the use of skimmed milk, salt, rennet and harmless coloring matter in the manufacture of butter or cheese.

Approved May 31, 1879.

RULES ADOPTED BY THE STATE FOOD-COMMISSION.

Published in the Report of 1899-1900.

The work of the State Food Commission is in its incipient and experimental stage. Many of the questions presented for consideration are new to the Commissioner, and the duties of his office lie largely outside of his accustomed lines of thought and action. The law has wisely provided that one of his assistants shall be "a practical and analytical chemist," and the other "an expert in the matter of dairy products." He must necessarily rely on such assistants for that technical knowledge which is required in the administration of the food laws of the state.

By their advice and assistance the following rules have been adopted and are published for general information. Some of these rules are original with the Commission, while many of them have been adopted in other states, and are adopted in this state until such time as experience may demonstrate the necessity of their change or abrogation:

All milk offered for sale must be from healthy cows of clean and wholesome character, unadulterated, free from preservative, and must contain not less than three per cent of butter fat.

So called "evaporated cream," containing less than 15 per cent of butter fat, must have the words "An unsweetened condensed milk" printed conspicuously on the front part of the label.

Condensed milk must contain not less than 8.5 per cent butter fat.

Condensed skim milk must be plainly labeled as such.

Process and imitation butter must not be marked and sold as "creamery" or "dairy," but each should be marked plainly with its own name.

Oleomargarine, butterine and imitation butter can be manufactured and sold under their appropriate names and color when appropriately labeled. Each tub, package or parcel shall

have distinctly and durably painted, stamped or marked thereon the true and appropriate name of such substance in ordinary bold-faced capital letters not less than five lines pica.

"Whole milk" cheese, commonly miscalled "full cream" cheese, must contain at least forty-eight per cent of fat to total solids.

Butter shall contain at least 80 per cent of fat.

"Coffee cream" shall contain at least 15 per cent of fat, and "whipping cream" at least 22 per cent.

The term "vinegar" is limited to water solution of acetic acid derived from alcohol by fermentation, containing not less than 4 per cent of absolute acetic acid carrying in solution, if undistilled, extractives from the fruit, grain, vegetable or syrup used in their preparation.

All vinegar must be labeled and sold under its true name as determined by its derivation. Distilled or fermented vinegar may be reduced with water to legal requirements, but one variety of vinegar shall not be fortified or reduced with another.

Undistilled vinegar made from an infusion of mixed grains may be labeled grain or beer vinegar. Malt vinegar must be made entirely from an infusion of malted grains.

Artificial harmless coloring matter is allowed in pure cider and pure malt vinegar. Colored distilled vinegar may be sold if every barrel is plainly marked "colored distilled vinegar," and if retailers paste a label with those words on every bottle, jug or jar sold.

Honey vinegar, if shown by analysis to be prepared exclusively from diluted honey, need not reach requirements in solids and ash demanded in other undistilled vinegars.

Coffee must be true in name. It must not be coated or polished to conceal inferiority. Imitations containing no coffee cannot be sold as coffee compounds, but may be sold under coin names. Compounds of coffee and chicory or of coffee or any other harmless substitute allied to it in either flavor or strength and not used simply as an adulterant, may be sold when labeled "Coffee compound."

Syrup is a product of either corn or sugar cane. When made from sugar cane it is called cane syrup, when made from corn it is glucose syrup. There is little difference in the food value of these syrups. It is questionable whether or not one could be considered an adulterant of the other, as each falls within the true definition of a syrup, as both the mild Rio and the strong Mocha are each true coffees. The sale of glucose as and for cane syrup is a fraud and a violation of law. The sale of a mixture of glucose and cane syrups without other label than that of the general term "syrup" is permitted. Molasses containing glucose must be labeled

CALUMET BAKING POWDER

Complies with the Pure Food Laws of all States

The perfect baking powder is the one which will evolve the most gas and leave the smallest and most nearly neutral residue in the food. A chemical examination of the many brands of baking powder on the market will show an enormous majority of them to be not only weak in gas, but either strongly acid or alkaline in reaction. Sweet, palatable food cannot be prepared with these powders. The bread will be bleached and bitter on the one hand or yellow and alkaline on the other. This condition results from manufacturers working with a fixed formula year in and year out, regardless of the strength of their material.

The makers of Calumet Baking Powder employ a competent chemist who submits all material to analysis and determines its strength. This material is then accurately portioned to produce a baking powder neither acid or alkaline, but perfectly neutral. It is the application of these methods that has gained for Calumet Baking Powder its reputation for strength, purity and uniformity.

CALUMET IS A PERFECT BAKING POWDER

Food Prepared with it is Free from Rochelle Salts, Alum, Lime or Ammonia

glucose mixture, as the value of molasses is dependent upon a pungent flavor peculiar to itself and not found in glucose syrups.

Maple sugar must be true to name. A compound of corn or beet sugar with maple sugar cannot be sold even when labeled compound, as the chief element of value in maple flavor, and any admixture of any other sugars is for the sole purpose of cheapening the article, and it is a clear case of adulteration which cannot be remedied by a label.

Wheat flour mixed with corn flour may be sold when labeled "Compound flour" or "Compound wheat flour."

Buckwheat flour may be mixed with other flour and sold as "Compound buckwheat flour." Self-rising buckwheat flour must be so labeled.

Rye flour, if not absolutely pure, must be marked "Compound rye flour."

Imitation jellies, fruits, butter and preserves may be colored with a harmless coloring, provided they are labeled "Imitation jelly, colored," and free from all ingredients deleterious to health.

Honey adulterated with glucose or any other substance not deleterious to health may be sold when labeled "Adulterated honey."

Dry mustard must be pure.

Prepared mustard must be free from starch or adulterant of any kind, and, if consisting of mustard, vinegar and spices, may be sold when labeled "Prepared mustard."

A preparation of mustard, vinegar, spices and enough filling of starch to make a mustard of mild flavor to meet a legitimate demand which undoubtedly exists, may be sold when labeled "Prepared mustard compound." Harmless coloring matter may be used in preparations of mustard only to secure uniformity of appearance.

All spices must be pure. Any mixture of any foreign article with any spice is an adulteration. An adulteration of spices cannot be remedied by the label "Compound."

Catsup must not contain preservatives deleterious to health.

Cream of tartar must be pure. All compounds are unlawful.

Chocolate and cocoa, when made only from the cocoa mass, sugar and glycerine, may be

sold under the name "Prepared cocoa" or "Sweet Chocolate."

Candy must be free from inert mineral matters, and not made colored with substances deleterious to health.

Canned goods must be labeled with grade or quality of the goods and the name and address of the seller or manufacturer.

Artificial extracts can be manufactured and sold only in cases where it is not possible to produce an extract from the fruit itself. Extracts of this class must be labeled "Artificial extracts."

Lemon extract shall contain at least five per cent of the pure oil of lemon dissolved in alcohol. Harmless coloring matter will be permitted. The sale of compound lemon extracts is prohibited.

Vanilla extract shall be made wholly from Vanilla beans, and shall contain no artificial coloring. The color of a Vanilla extract is an indication of its strength, and coloring in such case would be used for the purpose of concealing inferiority, and of making the article appear better than it really is.

When other flavoring substances are used, such as Vanillin, Coumarin or Tonka, the extract should be labeled so as to show the purchaser its true character, as "Compound extract of Tonka and Vanillin." The label, "Compound extract of vanilla," will not be deemed sufficient notice of the composition of the article.

All baking powders sold in the state must be labeled in a conspicuous way and place with a name signifying the class or variety to which it belongs, based on the name of the acid ingredient; thus, for example, "This is an alum baking powder: an alum phosphate baking powder; a phosphate baking powder; a cream of tartar baking powder." Potassium acid sulphite is regarded as unwholesome if not injurious and its use in any article of food is prohibited.

Wherever the words "Artificial," "Imitation," "Compound," etc., are required, these words must be printed immediately preceding or following the word which they modify, in the same size type and equally prominent. Thus: "Imitation currant jelly," or (colored) "Coffee compound."

ALFRED H. JONES,

Illinois State Food Commissioner.

DECISIONS OF THE SUPREME COURT OF ILLINOIS ON FOOD LAWS.

UNWHOLESOME FOODS. When diseased animals are known to be such, it is forbidden by the statute as well as by good morals to sell the same for food. *Voorhees Reed*, 17 Ill. App. 21.

UNWHOLESOME FOOD. RESTAURANT KEEPER'S LIABILITY. A keeper of a restaurant is not an insurer of the wholesomeness of the food furnished by him to his patrons, and

Steele-Wedeles Company

IMPORTERS
MANUFACTURERS AND
WHOLESALE GROCERS

CHICAGO, U. S. A.

Our Savoy Brand of Pure Food Products

ranks highest in quality and for
uniformity in such is unequalled.

Our other well known brands are

Chicago, Union, Aurora.



We sell everything under guarantee, always bound
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Our buyers are all men of great
experience and of recognized judgment
and ability and each an acknowledged
expert in his particular line. It is thus
that we are always positioned to meet
every legitimate competition.

Business of responsible country jobbers solicited.

therefore is not liable to those who have eaten of it unless he is guilty of negligence. If he fails to exercise ordinary care in furnishing the food and damage results, he is liable for the want of such care, but not otherwise, and the person made ill by the eating of such food has the burden of proving that the restaurant keeper was negligent and careless in the furnishing of the same. *Sheffer vs. Willoughby*, 163 Ill. 518.

DISEASED MEAT. An offense is properly charged under the statute even though the affidavit stating the same states that the plaintiff sold, or kept for sale, or offered to sell, diseased meat, but fails to add the words "for food," provided the affidavit alleges an unlawful selling, etc., and that it was done contrary to the form of the statutes. *Schattgen vs. Holmbach*, 149 Ill. 654.

The refraining from shipping diseased flesh is not a valid consideration to support a promise to pay for such refraining. *Voorhees vs. Reed*, 17 Ill. App. 21.

INSPECTION OF FOOD. The act of 1872, which authorizes cities organized under it "to provide for and regulate the inspection of meats, poultry," etc., and "to do all acts, and make all

regulations which may be necessary or expedient for the promotion of health or the suppression of disease," confers power on them to establish a public slaughter house for the purpose of securing the proper inspection of meats. *City of Rock Island vs. Huesing*, 25 Ill. App. 600.

ADULTERATED MILK. Under an indictment for adulterating milk, it is not sufficient to show that the defendant sold a quantity of milk which when delivered to the purchaser was adulterated, but it must be shown that the defendant did the adulteration, or had knowledge of it. *Dilley vs. People*, 4 Ill. App. 52.

SKIMMED MILK. An act to prevent the sale of skimmed milk to butter and cheese manufacturers is not intended to apply to a person making butter or cheese on his own account, but to such factories as are conducted on a joint or co-operative plan. *Phillips vs. Meade*, 75 Ill. 334.

BUTTERINE. COLORING. A law prohibiting manufacturers of butterine from using harmless coloring matter for making butterine resemble butter, and allowing the use of the same kind of coloring in white butter, is unconstitutional for unjust discrimination. *People, Moxley vs. Pease*, (Ill.) 30 C. L. N. 277.



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And at the same time, decrease your grease bills from 40 to 50 per cent by using the Genuine "Swan Brand" Special Cooking and Baking Oil, the best shortening known to the baking profession. You cannot make superior bakery goods with a cheap CHEMICALLY treated or "doctored" Oil or Compound. "Swan Brand" is an absolutely pure vegetable shortening, white, odorless and tasteless, manufactured especially for the high class baker, who demands the best, and KNOWS when he gets it. "Swan Brand" is a NATURAL processed Baking Oil, pure, sweet and wholesome all the time.

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**Fine flavored, nourishing food, that does not
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Sold at the grocers. Sample can and booklet
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INDIANAPOLIS INDIANA

PURE FOOD LAWS OF INDIANA.

The State of Indiana has no Food or Dairy Commission. By the Act of the General Assembly approved February 28, 1899, it has become the duty of the State Board of Health to enforce the laws of the state governing food and drug adulteration and to take cognizance of the interests of the public health relating to the sale of drugs and foods. The state, county, city and town health officers are made food and drug inspectors and the State Health Officer shall be inspector of food and drugs. The State Board of Health shall adopt such measures as may be necessary to enforce the provisions of this act and the laws on the subject of pure food. The State Board of Health consists of the following members:

J. H. Forest, M. D., President.....Marion
W. N. Wishard, M. D., Vice-President....
.....Indianapolis
T. Henry Davis, M. D.....Richmond
Clark Cook, M. D.....Fowler
J. N. Hurty, M. D., Phar. D., Secretary..
.....Indianapolis

A digest of the law is as follows:

Sec. 2157a. Provides that no person shall, within this state, manufacture for sale or offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act. The term "drug" as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food" as used herein, shall include confectionery, condiments and all articles used for food or drink by man. An article shall be deemed to be adulterated within the meaning of this act: (a) In case of drugs, (1) if when sold under or by a name recognized by the United States Pharmacopœia, it differs materially from the standard of strength, quality or purity laid down therein, unless the order calls for an article inferior to such standard, or unless such difference is made known or so appears to the purchaser at the time of such sale; (2) if when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (3) if its strength or purity falls below the professed standard under which it is sold. (b) In the case of food, (1) if any substance or substances have been mixed with it, so as to reduce or lower or injuriously affect its quality or strength; (2) if any inferior or cheaper substance or substances have been substituted

wholly or in part for it; (3) if any valuable constituent has been wholly or in part abstracted from it; (4) if it is an imitation of or sold under the name of another article; (5) if it consists wholly or in part of a diseased, decomposed, putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished or powdered whereby damage is concealed or if it is made to appear better or of greater value than it really is; (7) if it contains any added poisonous ingredient, or any ingredient which may render it injurious to the health of the person consuming it. The provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food or drink; Provided, That the same are not injurious to health, and are distinctly labeled as mixtures or compounds; and no prosecutions shall at any time be maintained under said act concerning any drug, the standard of strength or purity whereof has been raised since the issue of the last edition of the United States Pharmacopœia, unless and until such change of standard has been published throughout the State.

Sec. 2157b. Provides that it is the duty of the State Board of Health to enforce the laws of the State governing food and drug adulterations; and the State Health Officer shall be the State inspector of foods and drugs. The State Board of Health shall take cognizance of the public health relating to the sale of drugs and foods, and adulterations of the same, and make investigations in reference thereto, and for said purpose the state, county, city and town health officers shall be food and drug inspectors, subordinate to the State Board of Health. The State Board of Health shall adopt such measures as may be necessary to enforce the provisions of this act, and regulate minimum standards for foods and drugs and other necessary rules. Every person offering or exposing for sale or delivering to a purchaser any drug or article of food included in the provisions hereof shall furnish to any analyst, or other person appointed hereunder, when value thereof is tendered him, a sample sufficient for analysis of such drug or article of food in his possession. Whoever hinders, obstructs or interferes with any inspector, or other officer appointed hereunder in the performance of his duty, or violates any of the provisions hereof, shall, upon conviction, be fined in any sum not exceeding \$100. Whoever fraudulently adulterates, for the purpose of sale, bread or any other sub-

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Ask for **“Kingan’s Reliable”** Brands

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Hams, Breakfast Bacon, Shoulders,
California Hams, Dried Beef,
Bacon Sides, Backs and
Bellies, and Pure Lard.

SEE THAT THEY ARE BRANDED

“KINGAN’S RELIABLE”

(IF PLAIN)

AND LABELED

“KINGAN’S RELIABLE”

(IF CANVASED)

KINGAN & Co. (LD.)

Pork and Beef Packers.

INDIANAPOLIS,

INDIANA.

stance intended for food with any substance injurious to health shall be fined not exceeding \$100, and the article so adulterated shall be forfeited and destroyed under direction of the court. Whoever adulterates, for the purpose of sale, liquor used or intended for drink, or knowingly sells any such liquor so adulterated, shall be fined not less than \$100 nor more than \$500 and the article so adulterated shall be forfeited and destroyed under direction of the court.

UNWHOLESOME FOOD.

Sec. 2157 (2069). Provides that whoever sells or possesses with intent to sell or expose for sale any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, or whoever knowingly sells or exposes for sale any article intended to be eaten or drunk, and shall be labeled or in any way represented to be other than what it is, or kills for the purpose of sale any calf less than four weeks old, or sells or possesses with intent to sell, the meat of any calf killed when less than four weeks old, shall be fined not more than \$500 nor less than \$10, or imprisoned in the county jail not exceeding six months nor less than ten days.

CANDY.

Sec. 2157c. No person shall by himself or agent or otherwise sell or offer for sale any candy adulterated by the admixture of terra alba, barytes, talc, or other mineral substance, or by poisonous colors or flavors, or other ingredients injurious to health.

Sec. 2157d. A violation of this act is punishable by a fine of not exceeding \$100 nor less than \$50, and the candy so adulterated shall be forfeited and destroyed under direction of court before the vendor or manufacturer is tried.

OLEOMARGARINE.

Sec. 2158. Whoever sells or possesses with intent to sell or exposes or keeps an any table at any hotel or public or private boarding house, any butter other than that made from pure milk, without labeling the same in large letters "Oleomargarine" shall be guilty of a misdemeanor and fined not exceeding \$50 nor less than \$10.

VINEGAR.

Sec. 2159. Every person who manufactures for sale or offers or exposes for sale as cider vinegar any vinegar not the legitimate product of pure apple cider, or vinegar not made exclusively of said apple cider, or vinegar into which any foreign ingredients, drugs or acids have been introduced, shall be punished by a fine not less than \$25 nor more than \$100.

Sec. 2160. Every person who manufactures for sale, sells, offers or exposes for sale any vinegar found to contain any preparation of

lead, copper, sulphuric acid, or other ingredient injurious to health, shall be guilty of a misdemeanor and punished for each offense by a fine of not less than \$10 nor more than \$100.

Sec. 2161. No person shall by himself, agent or otherwise, sell or have in his custody with intent to sell or offer for sale any adulterated vinegar, or vinegar not the legitimate product of pure apple juice, or not made exclusively from pure apple cider. A violation hereof is punishable by a fine of not less than \$10 nor more than \$100.

Sec. 2162. All vinegar shall be without artificial coloring matter, and shall have an acidity equivalent to the presence of not less than 4 per cent by weight of absolute acetic acid, and in case of cider vinegar shall contain in addition not less than 2 per cent by weight of cider vinegar solids upon full evaporation over boiling water. And if any vinegar contains any artificial coloring matter or less than the above amount of acidity, and in the case of cider vinegar if it contains less than the above amount of acidity or of cider vinegar solids, it shall be deemed to be adulterated within the meaning of this act. All vinegars not cider or fruit vinegars shall be without artificial coloring, nor shall they be mixed with cider or fruit vinegars, or in any manner changed to imitate a cider or fruit vinegar.

Sec. 2163. Every person making or manufacturing cider vinegar who is not a domestic manufacturer of cider vinegar shall brand on each head of the cask, barrel or keg containing such vinegar the name and residence of the manufacturer, the date when the same was manufactured, and the words "Cider Vinegar," and no vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes or other fruit. Whoever violates any of the provisions of this section shall be fined for each offense not less than \$10.

Sec. 2164. (2070). Whoever kills for the purpose of sale any diseased or injured animal, or sells or has in possession with intent to sell the meat of any such diseased or injured animal, shall be fined not more than \$500 nor less than \$50, to which may be added imprisonment in the county jail not more than six months.

Sec. 2165. Whoever knowingly sells to any person, or sells or brings to any cheese or butter factory to be manufactured any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strippings," with intent to defraud, or knowingly sells any milk the product of a diseased or injured animal, or milk produced from any cow fed upon the refuse of any distillery or

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brewery, or upon any substance deleterious to the quality of the milk, or knowingly uses any poisonous or deleterious matter in the manufacture of any cheese or butter, or knowingly sells or offers to sell milk or butter in the manufacture of which any poisonous or deleterious substance has been used, shall be fined not more than \$500 nor less than \$50.

Sec. 2165a. It is unlawful for any person to sell or have in possession for sale any article of food or any compound, substance or preparation used as a food, or intended to be used as a food, or used or intended to be used as any ingredient of any food, or intended to be used in the preparation of any food or food product, containing any formaldehyde or antiseptic injurious to health, or arsenic.

Sec. 2165b. Any person violating the provisions of this act shall be fined \$100, to be recovered in a civil action upon the prosecution of any citizen of the State of Indiana in the name of the State of Indiana on the relation of such citizen, one-half of which \$100 shall go to the citizen prosecuting such action and the remainder to the county in which such proceedings are had for the benefit of the common schools.

Sec. 2166 (2072). Whoever adulterates any wine made or juice expressed from grapes by mixing therewith any drugs, chemicals, cider, whisky or other liquor, and whoever sells any such adulterated wine or grape juice knowing the same to be adulterated shall be fined not more than \$100 nor less than \$10.

Sec. 2167. (2073.) Whoever adulterates any spirituous, malt or other intoxicating liquor by the admixture of any deleterious substance therewith, or knowingly sells or offers for sale any such liquors which have been so adulterated, shall be fined not more than \$100 nor less than \$10.

Sec. 2168. (2074). Whoever uses any active poison in the manufacture or preparation of any intoxicating liquors, or knowingly sells or offers for sale in any quantity any intoxicating liquor so adulterated, manufactured or prepared, shall be imprisoned in the state prison not more than seven years nor less than one year and fined not exceeding \$500.

Sec. 7015. The Board of County Commissioners in any county may appoint inspectors to serve during four years unless sooner removed by said Board, to inspect within said county when required the following articles: Salt, pork, flour and hay.

Sec. 7016. All barrels, hogsheads, and bales inspected shall be branded with the name of the inspector and his residence.

Sec. 7017. An inspector of salt shall brand on one end of the barrel the quality, whether first, second, or third rate; also the weight, specifying gross, tare and net.

Sec. 7018. The weight of flour in any barrel shall be 196 pounds. It shall be examined with a three-fourths inch barrel auger, and shall be marked of three qualities, the first to be branded superfine, the second fine, and the third coarse.

Sec. 7019. The weight of beef or pork in any barrel shall be 200 pounds. According to the quality and usages of the trade beef shall be branded "Mess Beef" and "Prime Beef" and pork shall be branded "Mess Pork," "Prime Pork" and "Cargo Pork."

Sec. 7020. All flour, beef or pork found musty, sour, tainted or otherwise unfit for market shall be branded with the word "Condemned."

Sec. 7025. The inspector shall receive whether the article inspected be passed or not the following fees: For each barrel of salt two cents, for each barrel of beef or pork 35 cents, for each barrel of flour 3 cents.

RULES AND STANDARDS ESTABLISHED BY THE STATE BOARD OF HEALTH.

The Supreme Court has decided these rules "have the full force of law":

MILK.

Rule 1. Pure cows' milk shall have the following minimum composition: Fat, three per cent; solids, not fat, nine per cent.

Rule 2. Water existing in cows' milk in excess of 88 per cent shall be an adulteration. Any coloring matter added for any purpose whatsoever shall be an adulteration. Any chemical antiseptic whatever, added for any purpose whatsoever, shall be an adulteration.

Rule 3. Milk sold or offered for human consumption that is taken from a cow that has calved within four days, or from a cow that will come in or calf inside of twenty-one days, is polluted, and shall be considered as adulterated.

Rule 4. Milk sold or offered for human consumption that is taken from a cow fed with damaged food or any food which will impart a disagreeable flavor, is impure, and shall be considered as adulterated.

Rule 5. Milk sold or offered for human consumption that is taken from any sick or diseased cow, or any cow that is given polluted water to drink, or which is kept under conditions contrary to the rules of the State Board of Health governing dairies, is impure, and shall be considered as adulterated.

BUTTER.

Rule 6. The word "butter" shall mean the substance usually known as butter, made exclusively from milk or cream, with or without salt or coloring matter, and shall contain not less than 80 per cent of pure milk fats.

The Largest Baking Powder Profit

That ought to interest you. The way to get the most money in this line is to

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And we can tell you how to do it. We supply you with an *absolutely pure* powder—equal to the best made—and under your individual label. **YOU FIX YOUR OWN PROFIT.** It advertises your store, makes you the *leading* grocer in progressiveness, and holds your trade.

We will be very glad to send you samples of labels and explain anything further you may wish to know.

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WABASH BAKING POWDER COMPANY

W A B A S H I N D I A N A

Rule 7. If any of the following named substances are found in butter, they shall be considered adulterants: Water in excess of 15 per cent; salt in excess of 6 per cent; salicylic acid, borax, boric acid, salt-peter, formaldehyde, glucose, sodium carbonate or bicarbonate, or any other added chemical, or any other fat than butter fat, any other coloring matter than is natural to butter, except annatto, saffron, safflower, turmeric and harmless coal tar colors.

MARGARINE.

Rule 8. The word "margarine" shall mean all substances, whether compounds or otherwise, prepared in imitation of butter, and whether mixed with butter or not.

Rule 9. If any of the following named substances are found in "margarine" they shall be considered adulterants: Water in excess of 15 per cent; salt in excess of 6 per cent; glucose, paraffine, salicylic acid, borax, boric acid, salt-peter, formaldehyde, sodium carbonate or bicarbonate, or any chemical preservative. Any coloring matter or mixture of coloring matters other than annatto, saffron, safflower and turmeric and other harmless vegetable colors, and the harmless coal tar colors, shall be considered adulterants.

CHEESE.

Rule 10. Cheese not made wholly from milk or cream, salt and harmless coloring matter shall be considered adulterated.

Rule 11. Cheese containing less than 10 per cent of milk fats shall be considered adulterated unless plainly labeled "skim milk cheese" in letters not less than one inch long, the label to be plainly exposed.

Rule 12. Cheese containing any other fats than milk fats shall be considered adulterated unless plainly labeled "Filled cheese."

Rule 13. Cheese containing any coloring matter other than annatto, safflower, saffron, turmeric or harmless coal tar colors, shall be considered as adulterated.

Rule 14. Cheese containing any chemical antiseptic other than common salt shall be considered as adulterated, unless plainly labeled with the name of the antiseptic it contains.

Rule 15. Any article of food, as catsup, mince meat, canned meats or fish, canned soups, canned fruits, molasses or syrups, which are found to be preserved by or to contain salicylic acid, benzoic acid, boracic acid, formaldehyde, or any of their compounds or any other antiseptic, shall be considered as adulterated unless the article of food so preserved is plainly labeled with the name of the preservative or antiseptic added. The label announcing any article of food, of the class in this rule named, as preserved with any antiseptic shall be printed in plain type, either upon the original or a separ-

ate label, and it shall be firmly and securely attached on the exterior of the package, and in plain sight. This rule shall be in force and take effect October 1, 1900.

Rule 16. Coffee—Any article offered for sale as coffee, which contains any substitute for the coffee bean in any proportion, shall be considered as adulterated unless the quantity and kind of such substitute is given as part of the label.

Rule 17. Candy—Any candy containing terra alba, barytes, talc or other mineral substance or poisonous colors or flavors, or any ingredient deleterious to health, shall be considered as adulterated.

Rule 18. Cider—Cider is the unfermented juice of the apple. Any substitute for apple juice or any antiseptic added constitutes an adulteration, and such adulterated cider shall not be offered for sale unless each package is labeled and the name of the adulterant is made a part of the label.

Rule 19. Flour—Flour is defined as the fine and bolted meal of the wheat grain. Any flour that is mixed with the product of any grain except wheat, or is mixed with any mineral substance, shall be considered as adulterated, unless each package is labeled and the kind and the amount of the admixture is made part of the label.

Rule 20. Buckwheat and Rye Flour—Buckwheat and rye flour must be derived wholly from grains designated in the name, and any admixture of other flours or materials constitutes an adulteration, unless each package is labeled and the kind and amount of such admixture is made part of the label.

Rule 21. Fruit jellies, fruit butters, preserves, canned fruits, fruit conserves, confectations, fruit juices and syrups, etc., must consist of the fruit specified in the label, preserved only with cane sugar (sucrose), and must not contain artificial flavors, coloring matters or antiseptics. If such articles contain any substitute for the fruit, or any inferior material to make up bulk or weight, any glucose or other substitute for sugar, any artificial flavor, color or antiseptic, or any substance not naturally occurring in such fruits, except spices or other wholesome natural flavoring materials, they shall be considered adulterated and shall not be offered for sale unless the presence of all such substances is clearly indicated by the label. This rule shall be in force and take effect October 1, 1900.

Rule 22. Honey—Honey is the nectar of flowers and other saccharine exudations of flowers and plants gathered by bees. Honey made by feeding bees glucose, sugar, invert sugar or other saccharine substance, is declared not to be pure honey, and, therefore, is adul-

terated. Adding sugar, invert sugar or glucose to honey constitutes an adulteration, and such adulterated honey shall not be sold unless the quantity and name of the adulterant is made part of the label.

Rule 23. Lard—Lard is the fat of swine, the fat being melted and separated from the flesh. Adding beef fat or stearine cotton seed oil, paraffine or other substitute for swine fat constitutes an adulteration, and such adulterated lard shall not be sold unless labeled and the quantity and name of the adulterant is made part of the label.

Rule 24. Molasses and Syrups—All molasses and syrups are assumed to be made from

the juice of cane or other sugar-producing plant, or the sap of the maple tree, and any syrup or molasses containing starch sugar, glucose or corn syrup shall be considered adulterated, and any substance sold or offered for sale as "maple sugar or syrup" that shall contain any brown sugar, granulated sugar or loaf sugar or colored or flavored with decoction of hickory bark, corncobs or any other similar substances, shall be considered adulterated unless the label plainly indicates the substances used.

Rule 25. Olive oil is the expressed oil of the olive. The substitution of other oils or fats for olive oil, either in part or whole, constitutes an

MILK

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Baking Powder

IS AN ALUM PHOSPHATE BAKING POWDER
NOT INJURIOUS TO HEALTH.

Alum baking powder has been in use twenty-five years, and has never injured a single person. No alum enters the stomach through the use of alum baking powder. No cream of tartar enters the stomach through the use of cream of tartar baking powder. People who eat cream of tartar baking powder bread MUST eat Rochelle salts. Rochelle salts is an irritant and a purgative. People who eat alum baking powder bread MUST eat hydrate of alumina. Hydrate of alumina is harmless. No chemist or layman has ever asserted or can prove that consumers of alum baking powder bread eat alum. The housewife mixes cream of tartar baking powder with flour, adds water, kneads it, bakes it, and then the cream of tartar has been changed into Rochelle salts, while by the same process the alum baking powder has been changed into hydrate of alumina.

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adulteration, and such adulterated oil shall not be offered for sale unless labeled with the amount and kind of adulterant.

Rule 26. Spices, mustard, pepper, etc., must not contain any foreign substances or coloring matter, introduced to dilute or cheapen the article, and any such admixture constitutes an adulteration, and shall not be sold unless its kind and amount are indicated on the label.

Rule 28. Vinegar—Standard vinegar is a vinegar made from the juice of the apple, containing not less than 2 per cent of apple solids and 4 per cent acetic acid. All vinegars labeled "apple," "cider," "fruit" or "orchard" vinegars are assumed under the law to be standard vinegars. Vinegars not made of the juice of the apple must be labeled truly of what they are made, as "malt vinegar," "distilled vinegar" or "wine vinegar." Otherwise they are to be considered adulterated. Vinegars containing less than 4 per cent absolute acetic acid may be sold, provided the percentage of acetic acid is made part of the label.

Rule 29. Baking Powder—It shall be unlawful for any unwholesome or deleterious baking powder to be sold or offered for sale within the State of Indiana.

Rule 31. Food inspectors, when securing samples of food or drugs for analysis, shall, if the quantity procured be sufficient in amount, divide said sample into three equal parts, marking each one with date of collection, name and residence of vendor, name and residence of inspector, and shall number the several portions, one, two, three. No. 1 shall be left with the vendor, No. 2 retained by the inspector and No. 3 reserved for or sent to the chemist selected to make the analysis. All these samples or portions shall be so sealed as to show upon sight any breaking said seal.

Rule 32. Whoever violates any of the provisions of these rules shall, upon conviction, be fined in any sum not exceeding one hundred dollars, as provided in section 2, chapter 121, of an act approved February 28, 1899.

DECISIONS OF THE SUPREME COURT OF INDIANA ON FOOD LAWS.

FOOD LAWS. CONSTITUTIONALITY. The law that provides that the board of health shall, within ninety days after its passage, prepare and publish minimum standards of food and drugs, and defining adulterations, is held not to be in contravention of that part of the constitution which declares that no laws shall be passed the taking effect of which shall be made to depend on any authority other than that provided by the constitution; but that the taking effect of the act was only postponed until the board met ninety days afterwards and made rules, etc., and that it took effect directly from the power which created it and not from the fact that the board of health made rules, etc. *Isenhour vs. State*, 157 Ind. 517.

INTENT TO SELL. Under the law which prohibits the manufacture of any article of food or drink which is adulterated within the meaning of the act, and that any one having in his possession with intent to sell any food or drink injurious to the health shall be liable to a penalty, it is held that an argument to the effect that the possession of adulterated food with an intent to sell, not being named in the prohibitory part of the act, a penalty could not lawfully be affixed, was not good. *Id.*

COMPLAINTS WHO CAN MAKE. Under the Food Laws of 1899, which make it the duty of the Board of Health to enforce the provisions thereof, an individual is not excluded from making a complaint for a violation of the same. *Isenhour vs. State*, 157 Ind. 517.

DISEASED MEATS. PROSECUTION. An information under a statute which makes it a penal offense for any one to have in his possessions of the section excluding mixtures or compounds recognized as ordinary articles of food. *Isenhour vs. State*, 157 Ind. 517.

MILK. AFFIDAVIT. An affidavit which charges the defendant with possession of adulterated milk with intent to sell the same, although it does not allege that the defendant adulterated the milk, is good. Where an affidavit charges that the defendant has in possession with intent to sell milk adulterated with a substance injurious to health, formaldehyde, the affidavit was good, although it did not say that the formaldehyde was injurious or poisonous to health.

An affidavit which charges defendant with possessing for sale adulterated milk is good, although it does not charge that said milk was below the standard established by the State Board of Health. *Isenhour vs. State*, 157 Ind. 517.

OLEOMARGARINE INDICTMENT. Under an indictment charging that the defendant had in his possession with intent to sell within the state oleomargarine made to resemble yellow butter, it was held that a special plea which admitted the possession but alleged that the oleomargarine was an article of commerce under the constitution was not objectionable on the ground that it amounted to the general issue. *McAllister vs. State*, 94 Ind. 290.

sion with intent to sell the diseased meat of any animal, which alleges that the defendant unlawfully and with intent to sell the same had diseased meat in his possession, sufficiently charges the knowledge that the meat was diseased. *Brown vs. State*, 14 Ind. App. 24.

DISEASED MEAT. INTENT. Held that an indictment charging the defendant with knowingly killing diseased animals for the purpose of selling them as food is sustained if it is shown that the defendant knew them to be diseased and that he knew of the purpose to sell them for food. 14 Ind. App. 393. *Moeschke vs. State*.

An affidavit that a person had diseased meat for the purpose of sale need not allege that it was to be sold within the state. *Moeschke vs. State*, 14 Ind. App. 393.

MEAT. To constitute an offense under the laws of 1881 the diseased meat must have been sold for food. *Schmidt vs. State*, 78 Ind. 41.

INDICTMENT. An indictment which sets forth that the defendant knowingly had in his possession diseased and injured animals with unlawful intent to sell the same for human food sufficiently charges guilty intent. *Brown vs. State*, 14 Ind. App. 24.

MILK. INSPECTOR. The milk inspector found defendant on the street about ten o'clock in the morning and asked him for a sample of

his milk. He refused to give the sample on the ground that it was the last milk he had and that he had a customer to serve with it. The inspector took the milk and found that it contained formaldehyde. The court held that it was proper to refuse an instruction that the defendant should not be found guilty on the ground that he had no knowledge of the presence of formaldehyde in the milk. *Isenhour vs. State*, 157 Ind. 517.

PRESERVATIVES. MILK. In a case where the defendant testified that the milk contained no formaldehyde to his knowledge, and that he had never used formaldehyde, but that he had put into that particular milk a substance known as "Palmer's Preserver," which had been represented to him as containing no formaldehyde, and was asked to state what representations were made to him about said preservative, which he was not allowed to answer; and was not allowed to offer in evidence a circular regarding the preservative which was sent out with the same guaranteeing it and stating that it was harmless and contained nothing injurious, the court held that the case should be reversed on account of the exclusion of the circular and his answer as to the representations made to him about the preservative. *Isenhour vs. State*, 157 Ind. 517.

MILK. An affidavit need not set out the pro-

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Des Moines Packed Meats

Over 260 Des Moines Dealers sell them.

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**BONED HAMS
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FANCY SAUSAGE**

THE AGAR PACKING CO.

DES MOINES, IOWA.



H. R. WRIGHT,
Dairy Commissioner, Iowa.



W. E. SMITH,
Deputy Dairy Commissioner, Iowa.



P. H. KIEFFER,
Assistant Dairy Commissioner, Iowa.

THE IOWA DAIRY COMMISSION.



The FIDELITY Brand is The FAMILY Brand

Anybody can cure a piece of meat, but to produce Hams and Bacon with the *Fidelity* flavor has required half a century of experience

The **SINCLAIR** name on **LARD** is a guarantee of its purity.

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PURE FOOD LAWS OF IOWA.

The Dairy Laws of this State are enforced by a Dairy Commissioner and his assistants. The Laws against the adulteration of other articles of food are enforced in like manner as the laws against other misdemeanors. The law makes it the duty of the State Board of Health to make complaint to the State's Attorney for a violation of the same, who shall thereupon prosecute the offender.

H. R. Wright, Dairy Commissioner.

W. E. Smith, Deputy Dairy Commissioner.

P. H. Kieffer, Assistant Dairy Commissioner.

W. S. Smarzo, Asst. Dairy Commissioner.

A DIGEST OF THE DAIRY LAWS WHICH IT IS THEIR DUTY TO ENFORCE IS AS FOLLOWS:

Sec. 2515. The governor shall appoint a Dairy Commissioner on or before the first day of April of each even numbered year. He shall have practical knowledge of the manufacture of dairy products, and hold his office subject to removal by the governor. He shall give bond in the sum of \$10,000. He shall keep on hand a supply of standard test tubes and bottles and milk measures, or pipettes, adapted for use by each milk testing machine, the manufacturer or seller of which shall file with the commissioner a certificate from the director of the Iowa Agricultural Experiment Station, which shall certify that said milk testing machine when properly and correctly operated will produce accurate measures of butter fat, and he shall furnish to any person desiring the same for testing milk one such tube or bottle, such milk measure or pipette for each factory to be of the kind adapted for the machine operated therein, to be furnished by the commissioner upon request, certifying it to be accurate, reliable and standard, and placing therein the letters "D. C." as a permanent mark; the tubes and bottles and pipettes to be furnished at the actual cost thereof. He shall preserve the correspondence, records and property of the state pertaining to his office. The commissioner and his deputy shall be entitled to necessary traveling expenses. During his term of office he shall hold no other official position. He shall make annual reports to the governor. He shall have power to subpoena witnesses and examine them under oath by him to be administered, such witnesses to be allowed fees as in justices' courts, to be paid by the commissioner as part of the expenses of his office.

Sec. 2516. Every article, substitute or compound except that produced from pure milk or cream from milk of cows, made in semblance of butter, is imitation butter; and every article, substitute or compound except that produced from pure milk or cream from milk of cows,

made in semblance of cheese, is imitation cheese. Prohibits the manufacture or sale or delivery of imitation butter or cheese except as in this chapter provided.

Sec. 2517. A substitute for butter or cheese not having a yellow color, nor colored in imitation thereof, as prohibited in the next section may be manufactured, sold or consigned if each tub, firkin or other package shall have branded, stamped or marked on the side or top thereof in the English language in a durable manner the words "substitute for butter," or "substitute for cheese," as the case may be, the letters to be not less than one inch in length by one-half inch in width. Prohibits the defacing, erasure or canceling of such brand or mark with intent to deceive. Said substitute for butter or cheese may be kept and served as food and for cooking in hotels, restaurants, lunch counters, boarding houses, and other places of public entertainment, only in case the proprietor thereof shall display and keep constantly posted a card where the guests and others are served with said food, which card shall be white and at least 10 by 14 inches in size, and the words "substitute for butter used here," or "substitute for cheese used here," as the case may be, shall be printed therein in black Roman letters of the same size as herein required to be placed upon tubs, firkins or other packages in which substitutes for butter or substitutes for cheese are kept, and no other words shall be printed thereon. No substitute for butter or cheese shall be sold in the manufacturer's original package for true butter or cheese, unless the producer at the time of purchase was informed of the true character of the article and furnished with a printed statement in prominent type in the English language that the article sold is a substitute, and giving the name and place of business of the maker. The transportation of imitation butter and cheese through and across the state is not prohibited.

Sec. 2518. Prohibits coloring of any substance intended as a substitute for butter or cheese, so as to cause it to resemble true dairy products, or combining any animal fat, vegetable oil or other substance with butter or cheese for the purpose of imparting to the compound the color of yellow butter or cheese, and prohibits the sale or soliciting orders for the delivery, or the keeping for sale of any such substance so colored as aforesaid; the use of salt, rennet and harmless coloring matter in making butter or cheese from pure milk or cream is not prohibited.

Sec. 2519. Prohibits the possession or con-

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**"IOWA'S PRIDE"
HAMS AND BACON**

WITH THE GENUINE YORKSHIRE FLAVOR

Morrell's

**"Snow Cap," "Red Letter"
and "Kettle Rendered Leaf"**

BRANDS OF PURE LARD

WARRANTED FREE FROM ALL ADULTERATION



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CANNED MEATS

**40 DIFFERENT VARIETIES
IN GLASS AND TIN**

MOST ATTRACTIVE LINE ON THE MARKET

JOHN MORRELL & CO. Ltd., Ottumwa, Iowa

trol, except for family consumption, of any substance as a substitute for butter or cheese unless marked as required in this act. Presumes that any person having such substance in his possession or control unless so marked shall know its true character and name.

Sec. 2520. Contracts made in violation of this act are invalid.

Sec. 2521. Whoever shall have in possession or control any imitation butter or cheese or substitute therefor shall be held to intend to use the same as the means of committing an offense, and shall be subject to a search warrant, and the officer serving the search warrant shall deliver to the Dairy Commissioner a sample of each article seized for the purpose of having same analyzed. If the sample is found to be imitation butter or cheese it shall be returned to and retained by the magistrate for the purposes contemplated in the chapter on "search warrants and proceedings thereon," but if not so found the value of the same shall be paid by the Dairy Commissioner as part of the expenses of his office to the person from whom taken.

Sec. 2522. Every city milk dealer, or every person furnishing milk or cream to such dealer, or person operating a creamery, cheese factory or condensed milk factory, or re-working or packing butter, shall maintain his premises and utensils in a clean and hygienic condition, and shall make, upon blanks furnished by the Dairy Commissioner, such reports and statistics as may be required by the commission.

Sec. 2523. Milk tests. Every person operating a creamery or cheese or condensed milk factory and using a chemical test to determine the quantity of butter fat in milk purchased or received shall use such tests so as they shall be free from oil and free from any foreign substance, and produce correct measurements of butter fat; and such person shall procure from the Dairy Commissioner for each factory one standard tube or bottle, and one standard measure or pipette, for testing milk, which shall be kept for inspection by the patrons. The burden of establishing the use of reliable tests and the results therefrom shall be upon the operator in any action under this chapter.

Sec. 2524. The commissioner may appoint agents in cities of over 10,000 inhabitants to collect from dealers four times a month samples so received and make record thereof with the name and location of the person from whom it was obtained, and report his work in detail to the commissioner at a compensation not to exceed \$3 per day.

Sec. 2525. Any person who shall sell milk or cream from a wagon, depot or store, or deliver milk to an hotel or restaurant or boarding house, or any public place, shall be considered a

city milk dealer. He shall not sell without a written permit from the commissioner for each wagon, depot or store operated by him, for which he shall annually pay \$1. Permits expire on the 4th day of July of each year.

Sec. 2526. Said commissioner and his agents may open any can or vessel containing milk or cream and inspect its contents and take samples for analysis. And any city milk dealer or his employe resisting or interfering with the commissioner in the performance of his duties is guilty of a misdemeanor and punished as provided in this chapter.

Sec. 2527. Whoever shall violate any of the provisions of this chapter shall be punished by a fine not exceeding \$500, or by imprisonment in the county jail not exceeding six months, or both.

Sec. 2528. The commissioner shall be allowed postage, stationery and office supplies, and an annual salary of \$1,500 and expenses. Said expenses shall not exceed \$3,000 per year. The salary of the clerk shall be paid in the same manner as that of the commissioner.

IMPURE OR SKIMMED MILK.

Sec. 4989. If any person sell or exchange or deliver for domestic or portable use or to be converted into any article of human food any unclean, impure, adulterated, unwholesome or skimmed milk or cream, from which has been held back strippings, or milk taken from an animal having a disease, sickness, ulcers, abscess or running sores, or which has been taken from an animal within fifteen days before or five days after parturition, or if any person shall stable milk cows in an unhealthy place or crowded manner, or feed them food which produces impure or unwholesome milk, or feed them distilled glucose, or brewery wastes, or upon any substance in a state of putrefaction or rottenness or of an unhealthy nature, or shall sell cream taken from such milk, or shall sell as cream an article which shall contain less than the amount of butter fat as prescribed in this chapter; or shall sell any cheese manufactured from skimmed milk without being plainly branded, stamped or marked on the top and sides of said cheese and package containing same in a durable manner, in the English language the words "skimmed milk cheese," the letters to be not less than one inch in height and one-half inch in width, shall be fined not less than \$25 nor more than \$100, and be liable to double damages to the person or persons upon whom such fraud shall be committed; the provisions of this action, however, shall not apply to skimmed milk, when sold as such as prescribed in the chapter.

Sec. 4990. The addition of water or any substance or thing to whole milk or skimmed

milk is hereby declared an adulteration, and milk obtained from animals fed upon waste as defined in this chapter is declared to be impure and unwholesome, and milk proved by any reliable method of analysis to contain less than twelve and one-half per cent of milk solids to the hundred pounds of milk, or than three pounds of butter fat to the hundred pounds of milk, shall be regarded as skimmed or partially skimmed milk, and any article not containing fifteen per cent or more of butter fat shall not be regarded as cream.

FOOD LAWS.

The Board of Health shall make complaints to the state's attorney, who shall enforce these laws.

Sec. 4986. Labeling. No person shall mix, color, stain or powder any article of food, drink or medicine, or any article which enters into the composition of them, with any other ingredient or material, whether injurious to the health or not, for the purpose of gain or profit, or sell or offer for sale or order to permit the sale of such article, unless the same be so marked, or unless it is sold or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon every package or parcel containing the same, so as to be and always remain readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients of the article at the time of the sale or of the offer, but nothing in this section shall prevent the use of harmless coloring matter used in coloring butter or cheese.

Sec. 4987. Glucose. Skimmed Milk. Cheese. Oleomargarine. No person shall mix any glucose or grape-sugar with syrup or sugar intended for human food, or mix glucose or grape-sugar with any article without distinctly marking, stamping or labeling the same with the true and appropriate name of such article and the percentage in which such ingredients enter into the composition of it, nor shall any person sell, offer or permit to be sold any such food, into the composition of which glucose or grape-sugar has entered without contemporaneously giving notice to the buyer of the fact and the proportion of such ingredients in the composition.

Sec. 4988. Penalty. Any person violating any provision of the preceding section shall for the first offense be fined not less than ten dollars nor more than fifty, and for the second offense not less than twenty-five nor more than one hundred dollars, or imprisonment in the county jail for not more than thirty days, and for any subsequent offense not less than one hundred dollars and not more than one thousand dollars and imprisonment in the peniten-

tiary not less than one nor more than five years.

Sec. 4992. Lard from Diseased Hogs. All persons or associations engaged in selling lard rendered from swine which have died of disease shall before selling or offering to sell any such lard plainly stamp, print or write upon the cask, barrel, or other vessel containing the same the words "lard from hogs which have died of disease," or if sold without such casks or receptacles the purchaser shall be informed that the lard is from hogs which have died of disease. For a violation of the provisions of this section a fine of not less than five nor more than one hundred dollars, or imprisonment in the county jail not exceeding thirty days shall be imposed.

Sec. 4993. Compound Lard. Labeling. No manufacturer or other person shall sell, deliver, prepare, put up, expose or offer for sale any lard or any article intended for use as lard which contains any ingredient not the product of healthy swine in any package, or under any label bearing the words "pure," "refined," "family," or other similar words, alone or in combination with other words of like import, unless such package bears on the top or outside thereof, in letters not less than one-half inch in length and plainly exposed to view the words "Compound lard," and the name and proportion in pounds or fractional parts thereof of each ingredient contained therein. Imposes a fine for the first offense of not less than twenty nor more than fifty dollars, and for each subsequent offense not less than fifty nor more than one hundred dollars.

Sec. 4994. Canned Food. Label. It shall be unlawful for any packer or dealer in hermetically sealed, canned or preserved fruits, vegetables or other articles of food, not including canned or condensed milk or cream, to knowingly offer such canned or preserved articles for sale for consumption in this state, unless the cans or vessels which contain the same shall bear the name, address and place of business of the person, firm or corporation that packed or canned the articles sold or offered for sale, and the name of the wholesale dealer in the state who sells or offers the same for sale, together with the name of the state, city, town or village where the same are packed plainly printed thereon, preceded by the words "packed at," the name and address and place of business shall be plainly printed and labeled with the mark indicating quality of the article contained therein.

Sec. 4995. Soaked Goods. All packers or dealers in soaked goods or goods put up from products dried or cured before canning, shall, in addition to complying with the provisions of the preceding section, cause to be plainly printed on the cans, in letters one-half

inch in height and three-eighths of an inch in width, the word "Soaked."

Sec. 4996. Penalty. Any packer or dealer who shall violate any of the provisions of the two preceding sections shall be fined not more than fifty dollars for each offense in the case of a retail dealer, and not less than five hundred dollars nor more than one thousand dollars for each offense in case of a wholesale dealer or packer.

CANDY.

Sec. 4984a. No person shall by himself, his

servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale or knowingly sell or offer for sale any candy adulterated by the admixture of terra alba, barytes, tale or other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health.

Sec. 4984a. Penalty. Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars nor less than fifty, and the candy so adulterated shall be forfeited and destroyed under the direction of the court.

DECISIONS OF THE SUPREME COURT OF IOWA ON FOOD LAWS.

LARD. The act requiring that all compound lard should have the words "Compound" with the name and porportion of the substances composing the same printed or written upon the outside of the package containing it, is constitutional. *State vs. Snow*, 81 Iowa, 642.

MILK. It is held that a statute declaring a fine for selling adulterated milk is not unconstitutional, and that it does not restrain the police power of the state, as to public health, safety, etc. *State vs. Schlenker*, 121 Iowa, 642.

Where the statute provides that addition of

water or any other substance to milk is an adulteration "for the purpose of this Chapter," it is not unconstitutional nor an encroachment on the judiciary power. *State vs. Schlenker*, 112 Iowa, 642.

MILK. The police power can prohibit the sale of adulterated milk, though it be sold openly, fairly and with notice as such, and although the adulteration be harmless. *State vs. Schlenker*, 112 Iowa, 642.

MILK. Criminal intent need not be proven in a case against one who sells adulterated milk. *State vs. Schlenker*, 112 Iowa, 642.

PURE FOOD LAWS OF KANSAS.

The State of Kansas has no Food or Dairy Commission and no department of state is specifically charged with the enforcement of the laws against the adulteration of dairy and food products, but they are left to be enforced in like manner as the laws against other misdemeanors, and may be invoked by any citizen of the state, police officer or other authorities.

CHAPTER 31, ARTICLE II.

Sec. 2317. Whoever knowingly sells, supplies or brings to be manufactured to any cheese manufactory in the state any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, commonly known as skim milk, or keeps back any part of the milk known as "strippings," or brings or supplies milk to any cheese manufactory that is tainted or partly sour from want of proper care in keeping pails, etc., clean and sweet, after being notified of the same; or any cheese manufacturer who shall knowingly use or cause to be used for his own benefit any

cream from milk brought to said cheese or butter manufactory without the consent of the owner thereof, shall for each and every offense forfeit and pay a sum not less than \$25 nor more than \$100, with costs, to be recovered in a criminal action.

ADULTERATED CHEESE AND MILK.

Sec. 2318. Provides that whoever knowingly sells to any person, or sells, delivers or brings to be manufactured to any cheese or butter manufactory in the state, any milk diluted with water or otherwise adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or shall keep back any part commonly known as "strippings" with intent to defraud, or knowingly sell milk the product of a diseased animal, or knowingly use any poison or deleterious material in the manufacture of cheese or butter, shall upon conviction be fined not less than \$25 nor more than \$100, and shall be liable in double the amount of damages to the firm, person or corporation so defrauded.

ADULTERATED VINEGAR.

Sec. 2319. Every person who manufactures or exposes for sale as cider vinegar any vinegar not the product of pure apple juice, known as apple cider, or vinegar not made exclusively of apple cider, or into which any deleterious substance, drug or acid has been introduced, shall for each offense be punished by a fine not less than \$50 nor more than \$100.

Sec. 2320. Every person who manufactures, sells or offers for sale any vinegar which contains any preparation of lead, copper, sulphuric acid or other ingredient injurious to health, shall for each offense be punished by a fine not less than \$50 nor more than \$100.

Sec. 2321. The provisions of sections 1 and 2 shall apply to all preparations of vegetables, fruits or other products in which vinegar is one of the principal ingredients.

Sec. 2322. Every person making or manufacturing cider vinegar shall brand on the head of the cask, barrel or keg containing such cider vinegar the name and residence of the manufacturer and the words "cider vinegar"; and any manufacturer or person who brands any cask, keg or other vessel with the name of cider vinegar which contains any other liquid than pure cider vinegar shall be fined not less than \$50 nor more than \$100 for each barrel, keg, cask or other vessel so branded.

FOODS AND DRUGS.

Sec. 2323. The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

Sec. 2325. An article shall be deemed to be adulterated within the meaning of this act: First, in the case of drugs, if, when sold under or by a name recognized in the United States Pharmacopœia it differs materially from the standard of strength, quality or power laid down therein; second, if, when sold under or by a name not recognized in the United States Pharmacopœia, but found in some other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; third, if its strength, quality or purity falls below the professed standard under which it is sold.

In the case of food: First, if any substance or substances have been mixed with it so as to lower or depreciate or injuriously effect its quality, strength or power; second, if any inferior or cheaper substance has been substituted wholly or in part for it; third, if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; fourth, if it is an imitation of or sold under the name of another article; fifth, if it consists wholly or in

part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, and in the case of milk, if it is the product of a diseased animal; sixth, if it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; seventh, if it contains any added substance or ingredient which is injurious to health, or any deleterious substance not a necessary ingredient of its manufacture. Provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures and compounds and not injurious to health, and contain no ingredients unnecessary to the preparation of the genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

Sec. 2326. Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article included in this act, shall furnish such person demanding same who shall tender him the value thereof a sample sufficient for analysis of any drug or article of food which is in his possession.

Sec. 2327. Whoever refuses to comply with the requirements of section 4 hereof shall be guilty of a misdemeanor and fined not exceeding \$100 nor less than \$25, or imprisoned not exceeding 100 days nor less than 30 days, or both. Any person found guilty of manufacturing, offering for sale or selling any adulterated article of food or drug under the provisions of this act, shall pay in addition to the penalties provided the necessary costs and expenses of inspection and analysis of such adulterated article offered for sale or sold.

ARTICLE 9.

ADULTERATED PROVISIONS.

Sec. 2277. If any person shall knowingly sell any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making same fully known to the buyer, he shall be punished by imprisonment in the county jail not more than six months or fined not exceeding \$100.

Sec. 2278. If any person shall fraudulently adulterate for the purpose of sale any substance intended for food, or any wine, spirit, malt liquor or liquor intended for drinking, with any substance injurious to health, he shall be punished by imprisonment in the county jail not more than one year, or fined not exceeding \$300, and such adulterated article shall be forfeited and destroyed.

ADULTERATED CANDIES.**CHAPTER 118.**

Sec. 1. No person shall by himself, his servant, agent or employe, or as the servant, agent or employe of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the mixture of terra alba, barytes, talc, or any other mineral substance, or by poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

Sec. 2. Whoever knowingly violates any of the provisions of this act shall be guilty of a misdemeanor and on conviction thereof be fined in any sum not exceeding \$100, or less than \$50, or by imprisonment in the county

jail not to exceed three months, or by both such fine or imprisonment, and as a part of the judgment of the court, such candy so adulterated shall be forfeited and destroyed.

Sec. 3. It is hereby made the duty of the county attorneys of this state to appear for the state and to attend to the prosecution of all complaints under this act in all the courts in their respective counties.

Sec. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 11, 1903.

PURE FOOD LAWS OF KENTUCKY.

The Pure Food Laws of Kentucky are administered by the Agricultural Experiment Station of the State College of Kentucky. This is in charge of a director, whose duty it is to see that the Pure Food Law of the state is enforced. The Pure Food division of this department consists of the following members:

M. A. Scovell.....Director.
R. M. Allen.....Secretary.
J. O. LaBach.....Chemist.

FOOD LAWS.**CHAPTER 13.**

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY, ENTITLED AN ACT REGULATING THE SALE OF FOOD, WHICH BECAME A LAW JUNE 13, 1898.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

First. That the statute mentioned in the title of this act and being an act regulating the sale and manufacture of food, which became a law on June 13, 1898, be, and the same is hereby repealed, and in lieu thereof, the following is enacted:

Section 1. It shall be unlawful for any person, persons or corporation within this state to manufacture for sale, or expose for sale, or have in his or their possession for sale, or to sell any article of food which is adulterated or misbranded within the meaning of this act; and any person, persons or corporation who shall manufacture for sale, expose for sale, or have in his possession for sale, or sell any article of food which is adulterated or misbranded in violation of this act, shall be fined not to ex-

ceed \$100, or be imprisoned for not more than fifty days, or both such fine and imprisonment.

Sec. 2. The term food, as used in this act, shall include every article used for or entering into the composition of food or drink of man or domestic animals, except spirituous, vinous or malt liquors.

The term misbranded, as used in this act, shall include every article of food, and every article which enters into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article which statement shall be untrue in any particular; or any statement purporting to name the substance or substances of which such article is made, which statement shall not give fully the names of all substances contained in such articles in any measurable quantity.

Sec. 3. For the purpose of this act, an article shall be deemed adulterated:

First. If any substance or substances be mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any inferior substance or substances be substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be an imitation, or sold under the name of another article; provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

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HON. M. A. SCOVELL,
Director.



R. M. ALLEN,
Secretary of Food Division.



J. O. LA BACH,
Chemist.

**KENTUCKY FOOD DIVISION—AGRICULTURAL EXPERIMENT
STATION.**

Southwestern Branch, Oklahoma City, O. T.

Central Branch, St. Louis, Mo.

The O. L. Gregory Vinegar Co.

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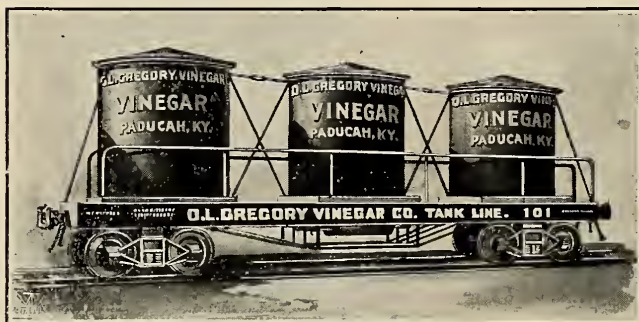
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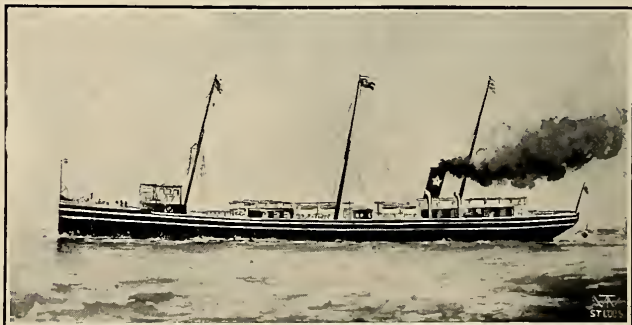
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Fifth. If it is colored, coated, polished or powdered, whereby damage is concealed, or if it is made to appear better or of greater value than it is.

Sixth. If it contains poisonous ingredients which may render such article injurious to the health of the party consuming it, or if it contains any antiseptic or preservative not evident or not known to the purchaser or consumer.

Seventh. If it consists in whole or in part of a diseased, filthy or decomposed or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal, or of any animal that has died otherwise than by slaughter.

Eighth. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation either in package or label of any other substance of a previously established name.

Provided, That any articles of food which are adulterated or misbranded within the meaning of this act, but which do not contain any added poisonous or deleterious ingredient, may be manufactured or sold if the same shall be plainly labeled "adulterated," or labeled, branded or tagged so as to show the exact character thereof.

Provided, further, That nothing in this act shall be so construed as requiring or compelling proprietors or manufacturers or sellers of proprietary foods which contain no unwholesome substances to disclose their trade formulas, except so far as the provisions of this act require to secure freedom from adulteration or imitation, but in the case of baking powders every can or other package shall be labeled so as to show clearly what acid salt has been used in making the same.

Provided, further, That no dealer shall be convicted under the provisions of this act when he can establish a written guaranty of purity in a form approved by the director of the Kentucky Agricultural Experiment station, signed by the wholesaler, jobber, manufacturer or other party from whom he purchased said articles, and provided he establishes that such guarantor or guarantors reside in the State of Kentucky. But said guaranty to afford protection shall contain the full name and address of the party or parties making the sale of such article to such dealer.

Sec. 4. The director of the Kentucky Agricultural Experiment station shall make or cause to be made examinations of samples of food manufactured or on sale in Kentucky at such time and place and to such extent as he may determine. He shall also make or cause

to be made analyses of all food products which the State Board of Health may suspect of being injurious to health, and of any sample of food furnished by any commonwealth's, county or city attorney of this commonwealth. And the said director may appoint such agent or agents as he may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein it is suspected any adulterated article of food exists, and such agent or agents upon tendering the market price of such articles, may take from any person, firm or corporation, samples of any articles suspected of being adulterated or misbranded. The director of said station is hereby empowered to adopt and fix standards of purity, quality or strength, when such standards are not specified or fixed by statute.

Sec. 5. Whenever any sample shall have been examined and found to be adulterated or misbranded in violation of this act, the director shall certify the facts to the commonwealth's attorney of the district, or to the county attorney of the county, or city attorney of any city or town in which the said adulterated or misbranded food product was found; together with a statement of the results of the examination of the said article of food duly authenticated by the analyst under oath and taken before some officer of this commonwealth authorized to administer an oath having a seal. And it shall be the duty of every prosecuting attorney, county attorney and city attorney to whom the director of said station shall report any violation of this act, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner as required by law.

Sec. 6. Said station shall make an annual report to the Governor upon adulterated food products, in addition to the reports required by law, which shall not exceed 150 pages, and said report may be included in the report which said station is already authorized by law to make, and such annual reports shall be submitted to the General Assembly at its regular session.

Sec. 7. The said experiment station may issue at least once a year a bulletin giving the results of all analyses of samples taken under this act, together with the names of the parties from whom the samples were taken; as far as possible, the names of the manufacturers; the number of samples found to be adulterated; the number not found adulterated, and the number of adulterated samples that have been reported by the station to the different commonwealth's attorneys, county and city attorneys of the state. The edition of this bulletin shall not be less than 10,000 copies, to be distributed free to citizens of the state who may

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desire the same, and to other interested persons so long as the edition may last.

Sec. 8. Said experiment station shall receive five (\$5.00) dollars for the analysis of each sample taken in accordance with this act, and all necessary expenses in carrying out the provisions of this act, including expenses for procuring samples, expert witnesses attending the grand juries and courts, clerk hire and attorneys' fees; provided the total expenses from all sources shall not exceed in any one year seven thousand five hundred dollars (\$7,500). The Board of Control of said experiment station shall furnish to the auditor of public accounts an itemized statement of all the expenditures of money made under this act.

The amount of expenditures reported to the auditor shall be paid by the commonwealth to the treasurer of said experiment station, upon the written request of the Board of Control of said experiment station, and the auditor for the payment of the same; is directed to draw his warrant upon the treasurer as is the manner of the payment of other claims against the commonwealth.

Sec. 9. All fines recovered under this act shall be kept as a separate fund to pay necessary expenses in maintaining same.

Sec. 10. No civil action shall be maintained in any court in this state on account of any sale or other contract made in violation of this act.

Sec. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 17, 1900.

A digest of the Pure Food Laws of the State of Kentucky, as presented herein, is the work of Mr. M. A. Scovell, Director, and is as follows:

ADULTERATIONS.—The law provides (Sec. 3) that articles of food which are adulterated but which do not contain any added poisonous or deleterious ingredient, may be manufactured or sold if plainly labeled "adulterated" or labeled, branded or tagged so as to show the exact character thereof. The words "mixture," "compound" or other similar expressions cannot be substituted for the word "adulterated" when the components are not given.

ANTISEPTICS.—Salicylic acid, benzoic acid, boracic acid, hydrofluoric acid, sulphurous acid and their compounds, the salicylates, benzoates, borates, fluorides and sulphites; also formaldehyde or formalin and various mixtures known in the trade as "freezine," "iceine," "preservatives" of various kinds, etc., are antiseptics, and it is unlawful to sell articles of food containing them unless plainly labeled "adulterated" or the presence of the antiseptic and its kind is clearly shown on the label or made

known to all purchasers, where the article is not capable of being labeled.

BAKING POWDERS.—The law requires that every can or other package of baking powder shall be labeled so as to show clearly what acid salt has been used in making the same. Baking powders, in which exsiccated alum or sulphate of alumina is used, should be labeled "alum baking powder"; those in which phosphate and alum are used should be labeled "alum phosphate baking powder"; those in which phosphate alone is used should be labeled "phosphate baking powder," and those in which cream of tartar baking powder. If the label already makes known in a conspicuous manner what acid salt has been used, the form is not essential. If the label does not give the name of the acid salt, a printed slip stating what acid salt has been used must be pasted on the label. But in any case the words "alum," "alum-phosphate," "phosphate" or "cream of tartar" must be printed in letters not smaller than brevier heavy Gothic caps and on white or light background, so that the words can be easily seen.

BUTTER.—Butter should contain at least 80 per cent of pure milk fats. Butter made by the use of "black pepsin" or other substance, in order to incorporate large quantities of water and caseine, is adulterated.

Where other fats or oils are substituted, in part or whole, for milk fat in butter, such article cannot be sold as "butter," or "creamery butter," or "dairy butter," or any combination of words embracing the word "butter," but must be classed as "oleomargarine" or "butterine" and so plainly labeled.

Process butter or unmarketable butter that has been melted and made over is classed as adulterated butter.

CANDY.—The use of harmful coloring matters or other ingredients and the admixture of terra alba, kaolin or other mineral substances to give weight and volume to the mass, are adulterations.

CHEESE.—Cheese not made wholly from milk or cream, salt, and harmless coloring matter, is considered adulterated, and must be sold as "filled cheese" or the name and amount of the adulterant must be made part of the label. Cheese made from milk from which part of the cream or fat has been taken, must be so labeled as to indicate the amount of cream or fat taken from the milk of which it was made. Cheese containing less than 10 per cent of fat must be labeled "Skim milk cheese."

CIDER.—Cider is the unfermented juice of the apple. Any substitute for apple juice, or any antiseptic added constitutes an adulteration, and such adulterated cider should not be

offered for sale, unless the name of the adulterant is made part of the label.

COFFEE.—Any article offered as coffee which contains any substitute for the coffee bean in any proportion is adulterated, and should not be offered for sale unless the quantity and kind of such substitute is given as part of the label.

CREAM.—Cream shall be produced wholly from pure milk and free from added coloring matter, preservatives or other additions of any kind. It must contain not less than 15 per cent of milk fat.

FLOUR.—Flour is the fine and bolted meal of the wheat grain. When mixed with any material not derived from the wheat grain it is adulterated, and cannot lawfully be sold unless plainly marked "adulterated," or the kind and amount of the admixture is made a part of the label.

Buckwheat flour or rye flour must be derived wholly from the grains designated in the name, and any admixture of other flours or materials constitutes an adulteration and such mixtures cannot be lawfully sold unless plainly marked "adulterated," or the kind and amount of the admixture is made part of the label.

FRUIT JELLIES, FRUIT BUTTERS, PRESERVES, CANNED FRUITS, FRUIT CONSERVES, CONFECTIONS, FRUIT JUICES AND SYRUPS, ETC., must consist of the fruit specified in the label, preserved only with cane sugar (sucrose), and must not contain artificial flavors, coloring matters or antiseptics. If such articles contain any substitute for the fruit, or any inferior material to make up in bulk or weight, any glucose or other substitute for sugar, any artificial flavor or color, any starch or animal gelatine, any salicylic acid or other antiseptic, or any substance not naturally occurring in such fruits, except spices or other wholesome, natural flavoring materials, they are adulterated, and cannot be lawfully sold, unless plainly labeled "adulterated," or the presence of all such substances is clearly indicated by the label.

Fruit preserves, jams, marmalades and butters should not contain less than 80 per cent of total solids, 1 per cent of acid, calculated as malic, and 0.6 per cent of ash; jelly should not contain less than 65 per cent total solids, 1 per cent of acid, calculated as malic, and 0.3 per cent of ash.

GUARANTY OF PURITY.—Attention is called to the provision of section 3, sub-section 8, "that no dealer shall be convicted under the provisions of this act when he can establish a written guaranty of purity in a form approved by the Director of the Kentucky Agricultural Experiment station, signed by the wholesaler, jobber, manufacturer or other party from whom

he establishes that such guarantor or guarantors purchased said article, and provided that he reside in the State of Kentucky. But such guaranty, to afford protection, shall contain the full name and address of the party or parties making the sale of such article to such dealer."

HONEY.—Honey is the nectar of flowers and other saccharine exudations of plants gathered by bees. Honey made by feeding bees glucose, sugar, invert sugar or saccharine substance, is not pure honey. Adding sugar, invert sugar or glucose to honey or substituting these materials for honey constitutes an adulteration, and such adulterated honey cannot lawfully be sold unless it is plainly marked "adulterated," or the quantity and name of the adulterant is made part of the label.

LABELING.—In labeling articles to comply with the law each separate package must be labeled. For example, it will not answer to attach to a case of ketchup a label stating that it is preserved with benzoate of soda, but each bottle must bear such label.

LARD.—Lard is the fat of swine, the fat being melted and separated from the flesh. Adding beef fat or stearine, cotton seed oil, or other substitute for swine fat constitutes an adulteration and such adulterated lard cannot lawfully be sold unless it is plainly marked "adulterated," or the quantity and name of the adulterant is made part of the label. Lard must contain not less than 99 per cent of fat.

MILK.—Milk must contain at least 12 per cent of total solids and 3 per cent of fat. Milk containing less than these proportions will be considered adulterated, unless labeled or offered as "skimmed milk," or milk below standard.

The addition of antiseptics or preservatives or coloring matter is an adulteration.

MILK FAT is the fat contained in pure milk or derived therefrom and has a Reichert-meissl number not less than 24 and a specific gravity not below .905 at 40 degrees C.

MINCE MEAT containing glucose or any inferior material added for the purpose of increasing weight or bulk or any antiseptic, is adulterated and should not be offered for sale unless plainly marked "adulterated" or its component parts given.

MOLASSES AND SYRUPS.—All molasses and syrups are assumed to be made from the juice of cane, or other sugar producing plant, or the sap of the maple tree, and any syrup or molasses containing starch, sugar, glucose, or corn syrup is considered adulterated, and should not be offered for sale unless the label indicates the presence of the same.

OLEOMARGARINE.—Oleomargarine, butterine or kindred compounds, or mixtures of these

A digest of the laws against the adulteration of food and dairy products is as follows:

ADULTERATION OF FOOD.

Act 20, 1880, p. 23.

Sec. 1. Provides that it is unlawful for any person to adulterate, sell or offer for sale any article of food knowing the same to be adulterated.

Sec. 2. It is unlawful for any person to sell or offer for sale any tainted provisions or stale vegetables, or other articles of food being in a state of decomposition or unfit for food.

Sec. 3. It is unlawful for any person to slaughter for food and offer for sale any cattle, hogs or sheep being in an unhealthful condition.

Sec. 4. Provides it is unlawful for any person, railway, steamships, water or other craft, to discharge at any depot, wharves or landing within the city of New Orleans, or any city in the state, or less than two miles distant therefrom, any cattle, swine or sheep forwarded through them or on their account when the same are known to be diseased.

Sec. 5. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and punished for the first offense by a fine of \$25 or three months' imprisonment, and for a subsequent offense of \$50 or not less than six months' imprisonment, or both.

Sec. 6. The Secretary of the State shall immediately upon passage of this act notify all sheriffs and other executive officers throughout the state to take cognizance thereof and enforce its provisions.

Sec. 7. Repeals all acts in conflict herewith.

ADULTERATION OF DRUGS, DRINKS,
ETC.

Act 82, 1882, p. 103.

Sec. 1. Provides that no person shall manufacture, have, offer for sale or sell within the state any article of food or drug which is adulterated, and provides a penalty by fine not exceeding \$50 for the first offense, and not exceeding \$100 for each subsequent offense.

Sec. 2. An article shall be deemed adulterated within the meaning of this act, in the case of drugs, if when sold under a name recognized in the United States Pharmacopœia its strength or purity falls below the standard laid down therein, or below the professed standard under which it is sold.

In the case of food, if any substance has been mixed with it so as to lower or injuriously affect its quality or strength, or if any inferior or cheaper substance has been wholly or partially substituted for the pure article, or to mix any substance with food or drink so sold, or to sell it so mixed, which by its use will

affect to any extent the public health or injure the health of the consumer of said food or drink.

Sec. 3. Provides that no person shall manufacture, sell or offer for sale within this state any drug, groceries, such as sugar, coffee, tea, butter, cheese or any other article of food or drink, unless the package when sold at wholesale, or the package from which it is taken when sold at retail, be stamped in plain large letters, showing the true quality and kind of the article sold within the meaning of this act. Every person violating the provisions of this section shall be deemed guilty of a misdemeanor and fined not less than \$25 nor more than \$50, or imprisonment not exceeding 10 days, or both.

Sec. 4. Provides that any person who shall knowingly sell any article of food or drink with a stamp as provided aforesaid which is not the article it purports to be, or of inferior quality, shall be guilty of a misdemeanor and fined not exceeding \$100.

DUTIES OF STATE BOARD OF HEALTH.

Sec. 5. The State Board of Health shall take cognizance of the interests of the public health as it relates to the sale of food and drugs, and the adulteration of the same, and make all necessary investigations and inquiries thereto, and at any time when in their judgment necessary they shall analyze any drug or article of food or drink, and publish the results of their analysis with the name of the article in case the same be deleterious to public health, and warn the public against its consumption.

On request of any citizen they shall analyze the article presented by him, but said citizen shall pay for such analysis such fees as the Board of Health may fix.

Sec. 6. On application of the Board of Health or its officers every person manufacturing or selling any article of food or drug shall be bound to furnish a sample of the said article so manufactured or sold to the said board sufficient in quantity to serve the purpose of analysis, under a penalty of not more than \$25, to be recovered before any court of competent jurisdiction.

OLEOMARGARINE.

Act 81, 1886, p. 121.

Sec. 1.—Provides that the sale of all substances sold as oleomargarine, butterine, bogus butter, or other material, either separately or in combination with any substance other than the product of the cow, as butter, is prohibited.

Sec. 2. Any merchant, grocer, or other person doing business in the state who shall bar-

ter, sell, handle, or give away any of the substances mentioned in the first section of this act, except when so labeled as to unmistakably indicate their true composition, shall be guilty of a violation of the first section of this act and be punished by a fine or imprisonment, or both.

Sec. 3. Repeals all laws in conflict herewith.

SALE OF GLUCOSE WITHOUT STAMP.

Act 49, 1886, p. 83.

Sec. 1. Provides that whoever shall knowingly sell or offer for sale, ship or place upon the market for sale, either by sample, hog-head, barrel, package or otherwise, any sugar or molasses adulterated with glucose or any foreign substance without branding or stamping it as such in clear, legible letters, shall be

guilty of a misdemeanor and punished by imprisonment not exceeding six months and fined not less than \$200 nor more than \$1,000 for each offense, recoverable before any court of competent jurisdiction, one-half of the fine to the benefit of the Charitable Hospital of New Orleans.

Sec. 2. Whoever shall employ any plantation brands to sell adulterated sugar or molasses shall be guilty of a misdemeanor and punished as provided in section 1 of this act.

Article 297 of the Constitution of Louisiana provides, among other things, that the general assembly shall provide for the interests of the state medicine in all its departments; * * * for the protection of the people against the sale of injurious or adulterated drugs, foods and drinks, and against any and all of the general necessities of life and character.

DECISIONS OF THE SUPREME COURT OF LOUISIANA ON FOOD LAWS.

ADULTERATION. Under a charter authorizing the city to prohibit the adulteration of drinks, it may by ordinance adopt a legal standard against the adulteration, so long as such standard is not unreasonable. *State vs. Fourcade*, 45 La. Ann. 717.

ORIGINAL PACKAGES. Original packages are defined as bundles put up for transportation or commercial handling, and usually consist of a number of things brought together for convenient handling and conveyance. *State vs. Board of Assessors*, 46 La. Ann. 318.

MILK. The city charter authorizes an ordinance prohibiting the adulteration of milk by making it the duty of the council to prevent the sale of adulterated food. *State vs. Stone*, 46 La. Ann. 147; *State vs. Labatut*, 39 La. Ann. 514; *State vs. Fourcade*, 45 La. Ann. 718.

MILK. A city council which is given power by the city to prevent the sale of adulterated food is authorized to pass an ordinance prohibiting the adulteration of milk. *State vs. Stone*, 46 La. Ann. 147.

PURE FOOD LAWS OF MAINE.

The state of Maine has no Pure Food or Dairy Commission; nor is any department of state government specifically charged with the enforcement of the laws relating to the adulteration of articles of food. Such laws as its legislature has enacted to provide against the adulteration of articles of food and drink may be invoked by local boards of health, municipal officers of cities and towns, inspectors of milk, sheriffs, deputy sheriffs or constables.

A. W. Gilman is the Commissioner of Agriculture and is located at Augusta.

An abstract of the laws now in force in this state upon the subject of pure food is as follows:

ADULTERATED FOOD OR DRINK.

Chapter 129, Revised Statutes of 1903.

Sec. 4. Whoever sells diseased, corrupted

or unwholesome provisions for food or drink, knowing them to be such, without informing the buyer, or fraudulently adulterates for the purpose of sale any substance intended for food, or any wine, spirituous or other liquors, so as to render them injurious to health, shall be punished by imprisonment for not more than five years, or by fine not exceeding \$1,000; and whoever kills or causes to be killed for the purpose of sale any calf less than four weeks old, or knowingly sells the meat of any calf killed when less than four weeks old, shall be punished by imprisonment in the jail or house of correction not exceeding 30 days, or by fine not exceeding \$50, and all such meat may be seized and destroyed by any board of health officer or any sheriff, deputy sheriff, constable or police officer.

Sec. 5. When complaint is made on oath to

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FACTORIES.

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E. Fryeburg, Maine

Lovell, Maine
Cornish, Maine
Conway, N. H.
Westminster, Vermont

Windsor, Vermont
Essex, Junct. Vermont
Brattleboro, Vermont
Wapello, Iowa

any court or justice authorized to issue warrants in criminal cases that meat of calves killed when less than four weeks old is kept or concealed with intent to sell the same for the purpose of food, such magistrate may issue a warrant to search therefor.

OLEOMARGARINE.

Chapter 129.

Sec. 6. Whoever manufactures or sells or has in his possession for future delivery any substance or compound in imitation of yellow butter or cheese, and not made exclusively and wholly of cream or milk, or containing any fats, oils or greases not produced from milk or cream, whether named oleomargarine, butterine, or otherwise, forfeits for the first offense \$100 and for each subsequent offense \$200, to be recovered by indictment, with costs, one-third part to go to the complainant, the balance to the state. It is the duty of every inspector of milk, sheriff, deputy sheriff or constable, as named in section 5 of this chapter, to institute complaint against any person violating the provisions hereof.

Section 7. Every inspector of milk, sheriff, deputy sheriff or constable, shall institute complaint for violations of the two preceding sections whenever he has reasonable cause for sus-

picion, or on information of any person who shall lay before him satisfactory evidence of the same. Said inspector or officer shall take specimens of suspected butter or cheese and cause the same to be analyzed or tested, the expense of such analysis or test, not exceeding \$20, may be included in the costs of prosecution and taxed and allowed to the officer paying the same.

Sec. 8. The terms "butter" and "cheese" mean the product usually known by those names, and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter.

MOLASSES.

Sec. 13. Whoever adulterates sugar or molasses, or sells sugar or molasses adulterated with salts of tin, terra alba, glucose, dextrine, starch sugar, cornsyrup, or other preparations from starch, shall be fined not exceeding \$500 or imprisoned for not more than one year.

VINEGAR.

Sec. 15. Whoever manufactures or sells, or knowingly causes to be marked or branded as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively therefrom, or into which any foreign substance, drug or acid

has been introduced, as appears by proper tests, shall for each offense be fined not less than \$50 nor more than \$100.

Sec. 16. Whoever manufactures or sells vinegar found upon proper tests to contain any preparations of lead, copper or sulphuric acid, or other ingredient injurious to health, shall for each offense be fined not less than \$100.

Sec. 17. The Mayor or Aldermen of a city shall, and the select men of towns may, appoint one or more persons to be inspectors of vinegar for their respective municipalities, and may fix their compensation.

LARD.

Sec. 10. Prohibits the sale or preparation of any article intended for use as lard which contains any ingredient but the pure fat of swine, or any tierce, bucket or other vessel under any wrapper or label bearing the words "pure," "refined," "family" or either of them, alone or in combination with other words, unless every vessel, wrapper or label in which such article is sold or prepared bears on the top and outside thereof in letters not less than one-half inch in length, and plainly exposed to view, the words, "compound lard."

FLOUR AND WHEAT MEAL.

Sec. 11. Prohibits the sale, preparation, or delivery of any article or substance under or by the name of wheat meal, graham meal or graham flour in imitation of pure wheat meal, and not consisting exclusively of pure wheat meal, unless every box, barrel or wrapper in or under which such article is sold, prepared or delivered bears on the top or outer side thereof, in letters not less than one-half inch in length, and plainly exposed to view, the words "compound wheat meal."

Sec. 12. Any person who violates any provision of the two preceding sections shall forfeit the sum of \$50 to the use of any person suing therefor in an action of debt.

MAPLE SUGAR OR SYRUP.

Sec. 14. Prohibits the sale as maple sugar or syrup of any article made in adulteration or imitation thereof.

For a violation of the foregoing a fine of not less than \$25 or not more than \$100, or imprisonment in the county jail for 30 days, or both, is the penalty.

One-half of said fine is to be paid to complainant, and balance to the county in which such case is brought.

EGGS.

Sec. 9. Whoever sells eggs that have been in cold storage or limed or preserved in any manner, and are not what are usually denominated fresh eggs, without notice to the purchaser, and

with intent to deceive, shall be punished by imprisonment not exceeding 30 days, or by fine not exceeding \$100.

REVISED STATUTES OF MAINE OF 1903.

Chapter 39.

MILK.

Sec. 9. The municipal officers of cities and towns containing not less than three thousand inhabitants shall annually appoint, and the municipal officers of all other towns shall on application of ten voters therein, annually appoint one or more persons to be inspectors of milk, who shall, before entering upon their duties, be sworn, and give notice of their appointment by publishing the same for two weeks in a newspaper published in their towns, if any, otherwise by posting such notice in two or more public places therein.

Sec. 10. Inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons selling milk within their limits. They may enter any place where milk is kept or stored for sale, and examine all carriages used in the conveyance thereof, and when they have reason to believe any milk found therein to be adulterated they shall take specimens thereof, and cause them to be analyzed or otherwise satisfactorily tested, and they shall preserve the result as evidence. Said inspectors shall leave with the owner of the milk inspected a sealed specimen of the examined by them, which shall be marked in the same manner as the specimen taken at that time by said inspectors, and prosecute for all violations of the two following sections.

Sec. 11. All measures, cans or other vessels used in the sale of milk shall annually be sealed by the sealer of weights and measures, by wine measure, and shall be marked by the sealer with figures, indicating the quantity which they hold, and whoever fraudulently sells by any other measure, can or vessel, forfeits twenty dollars for each offense.

REVISED STATUTES OF 1903.

Chapter 129.

Sec. 2. The owner or other person having charge of any animal or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, who, knowing that the animal is thus affected, shall hold the animal or its meat or milk, for human food, shall be liable, on conviction, to a fine of not less

than five dollars nor more than fifty dollars.

Sec. 3. Whoever, acting for himself, or as the employe of another, knowingly or willfully sells or offers for sale, milk from cows diseased, sick or fed upon the refuse of breweries or distilleries, or upon any substance deleterious to its quality, or milk to which water or any foreign substance has been added, or sells or offers for sale as pure milk, any milk from which the cream has been taken, forfeits twenty dollars for the first, and fifty dollars for every subsequent offense, to be recovered for the town where the offense is committed by complaint and indictment. When milk shall, by the gravimetric analysis, be found to contain over 88 per cent of water, it shall be deemed *prima facie* evidence that said milk has been watered, and when milk, by the analysis aforesaid, shall be found to contain less than 12 per cent of solids, and less than 3 per cent of fat, it shall be deemed, *prima facie*, milk from which cream has been taken, and any milk which, by the analysis aforesaid, shall be found to contain any foreign substance, shall be deemed milk to which a foreign substance has been added.

CANDY.

Sec. 23. No person shall, by himself, his servant, or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell, any candy adulterated by the admixture of terra alba, barytes, talc or any

other mineral or metallic substance, or by poisonous colors or flavors, or containing brandy, whiskey, rum, wine or any alcoholic liquor in liquid form or other ingredients deleterious or detrimental to health.

No person shall, by himself, his servant, or agent of any other person or corporation, offer for sale any candy under the name of brandy, whiskey, rum or wine drops.

Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under the direction of the court.

County attorneys shall prosecute all complaints under this section, in all the courts in their respective counties.

Sec. 24. Whoever sells or offers for sale, prize candy in packages containing or purporting to contain a prize or gift, shall, for each offense be punished by imprisonment in any jail or house of correction not exceeding thirty days, or by fine not exceeding twenty dollars, and if discovered in the commission of such offense in any railroad car, steamboat, public conveyance or other place, by any officer qualified to serve criminal process, he may be arrested by such officer and detained by imprisonment or otherwise not exceeding twenty-four hours, until a complaint has been made and a warrant issued against him.

DECISIONS OF THE SUPREME COURT OF MAINE ON FOOD LAWS.

IMITATION BUTTER LAW. VALIDITY.

Laws which prohibit the sale of any substance made in imitation of yellow butter not made from pure milk or cream do not interfere with the right or privilege of the people to engage in the manufacture and sale of any wholesome compound simply to be used as butter, if it is not made in imitation of yellow butter, and its true character is made known. *State vs. Rogers*, 95 Me. 94.

OLEOMARGARINE. The act which prohibits the sale of any substance made in imitation of yellow butter made exclusively of milk or cream does not contravene the constitution as regards the power of Congress to regulate commerce between the states and foreign nations.

The state has the power to exclude from its markets any article which may be a fraud upon the general public and lead them to buy what they do not intend to buy, and can exclude from its markets a compound manufactured in another state artificially colored in imitation of yellow butter. *State vs. Rogers*, 95 Me. 94.

IMITATION BUTTER. INDICTMENT FOR SELLING. On an indictment under the law prohibiting the sale of any substance made in imitation of yellow butter which is not made exclusively from pure milk or cream, it need not be shown that the person selling knew that the compound was not made from pure milk or cream, or that he intended to deceive. *State vs. Rogers*, 95 Me. 97.

PURE FOOD LAWS OF MARYLAND.

The laws concerning the inspection of food supplies and the sale and manufacture of articles of food and drink, with the exception of the "oleomargarine" law, and the regulation of

dairies, are administered by "The State Board of Health of Maryland." This board consists of seven members, four of whom are appointed by the governor. These four, to-

gether with a secretary and the Attorney General of the state and the Commissioner of Health of the city of Baltimore, constitute the State Board of Health of Maryland. The Attorney General and the Commissioner of Health of the city of Baltimore are members *ex-officio*. Persons appointed hold office four years. The State Board of Health consists of the following members:

Dr. Wm. H. Welch, *President*.
 John S. Fulton, M. D., *Secretary*.
 Dr. Howard Bratton.
 Mr. J. B. Noel Wyatt.
 Dr. John Morris.
 Dr. Jas. Bosley.
 Hon. Isidor Rayner.

A digest of the laws which it is the duty of said board to enforce, with the exception of the "oleomargarine" law and dairy regulations, here follows:

INSPECTION OF FOOD AND DRINK.

ARTICLE 23, PUBLIC GENERAL LAWS, AS AMENDED BY 1890, CHAPTER 604.

48. Provides that no person shall mix, color, paint or sophisticate any article of food or drink with other ingredients or matter, nor offer same for sale so mixed, painted, etc., unless same be manufactured or sold under its true name, and a notice that the same is mixed or impure is marked or stamped upon each package or vessel containing same so as to be at all times visible, or unless the person purchasing the same is fully informed by the dealer of the true name and ingredients of such article of food or drink.

49. Provides that no person shall mix any glucose, grape sugar, or adulterations, with syrup, honey or sugar intended for human food, or oleomargarine, suine, beef fat, lard or other foreign substances with any butter or cheese intended for human food; nor mix any glucose, grape sugar, oleomargarine or adulterant with any article of food or dietetics without stamping or labeling the article or package containing the same with the true name of such adulterant and the percentage in which it is used for the purpose of adulteration; prohibits the sale of any article of food or drink or dietetic in anywise adulterated without informing the buyer of the fact and proportion of the adulterant; *provided*, this section shall prohibit the use of glucose or grape sugar in the manufacture of candy.

50. No person shall adulterate or sophisticate any wine, vinegar, spirituous or malt liquors used or intended for drink or dietetic purposes by mixing the same with any adulterous drug or substance or liquid injurious to health; prohibits the sale or importation of any wine,

vinegar, spirits or malt liquor intended to be used for drink knowing the same to be adulterated.

51. If any person shall fraudulently adulterate any substance intended for food of man, or any wine, vinegar, spirits, malt liquor or liquor intended for drink, he shall be punished by imprisonment in the county jail not longer than one year, or by fine not exceeding \$500.

52. Prohibits the sale of diseased, corrupt or unwholesome provisions, such as poultry, game, flesh or preparations thereof, fruits, vegetables, bread, flour, meal, milk or other things intended to be used as human food; and provides a punishment for the violation hereof by imprisonment in the county jail not more than one year, or fine not exceeding \$500, or both; the unwholesome provisions shall be forfeited and destroyed under this section and under section 51; *provided*, this section shall not apply to shippers or consignors of green fruits and vegetables spoiled in transitu.

53. The State Board of Health is charged with the duty of rendering effective the provisions of this act, and it shall have suspected articles analyzed or tested.

54. Whenever said board or its proper officers shall be satisfied that any article of food or drink has been adulterated, or is unsound or adulterated, it shall forbid the sale thereof for human food and order it destroyed, and the person refusing or neglecting to destroy such unsound or unwholesome article shall be liable to the penalty imposed under the provisions of section 52 hereof.

55. The State Board of Health or its proper officers or inspectors are empowered to inspect and examine any live animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, bread, milk, wines, spirituous, malt or other liquors or things exposed for sale and intended for the food of man; and if any such article appear to be diseased, unsound or unwholesome and unfit for the food of man, said board or its officers shall issue an order preventing the sale thereof, and any person neglecting or refusing to obey said order shall be deemed guilty of a misdemeanor and shall be punished by a fine of any sum not less than \$50 and in default of the payment thereof be imprisoned in the public jail not more than six months.

56. Prosecuting attorneys shall appear for the people and prosecute complaints under this act.

57. The sum of \$2,500 is annually appropriated for defraying the expenses of chemical and scientific examinations made under this act, and for the salaries of inspectors and other necessary expenses to be paid by the treasurer of the state on a warrant of the comptroller.

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BUTTERINE AND OLEOMARGARINE.

88. Prohibits the manufacture out of any oleaginous substance or compounds thereof, not produced from unadulterated milk or cream from the same, of any article as a substitute for pure butter or cheese. This provision shall not apply to pure skimmed milk or cheese made from pure skimmed milk. It is a misdemeanor to violate this section, punishable by a fine not less than \$100 nor more than \$500, or by not less than six months or more than one year's imprisonment, or both, for the first offense; and by imprisonment for one year for any subsequent offense.

Ibid, Sec. 2.

89. Prohibits the manufacture out of any animal fat or animal or vegetable oils not produced from unadulterated milk, or cream from the same, of any article in imitation of natural butter or cheese produced from unadulterated milk or cream; nor shall any person mix, compound or add to milk, cream or butter any acids or deleterious substance or animal or vegetable fats or oils not produced from pure unadulterated milk or cream, so as to produce an imitation of natural butter or cheese, whether such substance or compound be made in this state or elsewhere; and it is a misdemeanor to violate this section, punishable by a fine of not less than \$10 nor more than \$500 or not less than six months nor more than one year's imprisonment for the first offense, or by imprisonment for one year for each subsequent offense.

Ibid, Sec. 3.

Sec. 90. Prohibits the manufacture or compounding with natural milk, cream or butter of any animal fats or animal or vegetable oils; or manufacture of any oleaginous substance not produced from milk or cream intended for sale as pure butter or cheese. No person shall coat, powder or color with annatto butterine or oleomargarine or compound thereof, or any product made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream, so as to resemble pure butter or cheese. Want of knowledge of the nature or ingredients of such product in possession of any person is no excuse from liability under this section. It is a misdemeanor to violate this section, punishable by a fine of not less than \$100 nor more than \$1,000.

Ibid, Sec. 4.

91. No keeper or proprietor of any bakery, hotel, tavern, boarding house, restaurant, lunch counter or place of public entertainment shall keep or serve therein as food any article made in violation of the provisions of the three pre-

ceding sections. It is a misdemeanor to violate this section, punishable by a fine of not less than \$50 nor more than \$200, or not less than 10 days nor more than 30 days' imprisonment for the first offense; or by imprisonment for one year for each subsequent offense.

LIVE STOCK.

Attention is called to the provisions of the public general laws of 1888, article 58, chapter 519. Under these laws is created a State Live Stock Sanitary Board, appointed by the governor for the purpose of protecting the health of domestic animals of the state from exotic, contagious or infectious diseases. This board is empowered to establish and maintain quarantine and such sanitary or other regulations as it may deem necessary. It shall institute and prosecute diligent inquiries to ascertain the condition of health of the live stock in the counties throughout the state, and local Boards of Health shall report cases of infectious diseases to said Live Stock Sanitary Board.

This board is given full power not only to protect the health of live stock in this state from contagion by such rules as it may establish, but also power to enforce the penalties prescribed under the act creating said board on such persons as violate provisions prohibiting the sale of diseased or infected meats from animals that have died otherwise than by slaughter.

DAIRIES.

Chapter 306, Acts of 1898.

19. It is the duty of dairymen and herds-men or private individuals supplying milk to cities, towns or villages to register their herds of cattle with the Live Stock Sanitary Board. For neglect to do so parties offending shall be fined not less than \$1 nor more than \$20 for each offense.

20. It is the duty of said board to have inspected at least annually without notice to the owner or those in charge of any dairy or party supplying milk the premises wherein cows are kept; and if the premises are found to be in an unsanitary condition said board may prohibit the shipment from such premises until such time as the premises shall conform to the following sanitary rules:

(1) No stable or shed shall be used for stabling cows for dairy purposes which is not well lighted and ventilated, and which is not provided with sufficient feed troughs, boxes and suitable floor laid with proper grade and channels to immediately carry off all drainage, and if a public sewer abuts the premises upon which such building is situated it shall be connected therewith whenever the inspector considers such connection necessary.

(2) No water closet, privy, cess pool, urinal, inhabited room or work shop shall be located within any building or shed used for the stabling of cows for dairy purposes, or for the storage of milk or cream; nor shall any fowl, hog, sheep or goat be kept in any room used for such purposes.

(4) It shall be the duty of each person using premises for keeping cows for dairy purposes to cause the building in which cows are kept to be thoroughly cleaned and to remove all dung from the premises, so as to prevent accumulation in great quantities.

(5) Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number of receptacles made of non-absorbent matter for the reception, storage or delivery of milk, and shall cause them at all times to be cleaned and purified and shall cause all milk to be removed without delay from the rooms in which cows are kept.

(6) Every person keeping cows for the production of milk for sale shall cause every such cow to be cleaned every day, and to be properly fed and watered with abundant pure and clean water.

(7) Any enclosure in which cows are kept shall be graded and drained so as to keep the surface reasonably dry; no garbage, fecal matter, or similar matter shall be placed or allowed to remain in such enclosure, unless suffi-

cient straw or good absorbent matter be used to open drains shall be allowed to run through it.

Any person who shall ship or sell milk contrary to the aforesaid order of said Board shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$1 nor more than \$20 for each day during which shipments shall be made after notice of such order. The Live Stock Sanitary Board shall at the request of the owner or owners of dairy herds furnish them with certificates of health whenever the provisions of this article are complied with and there is no visible sign of disease amongst such herds. Such certificate shall be revocable in the discretion of the board.

For the purpose of paying the expenses required in carrying out the provisions of this sub-title the sum of \$3,000 is hereby appropriated annually, or so much thereof as is necessary, out of moneys in the treasury not otherwise appropriated, and the Comptroller is authorized and directed to draw his warrant on the treasury for such sum as the said board shall produce vouchers for, not exceeding the amount appropriated, payable monthly.

LAWS OF 1902, CHAP. 606, PAGE 869.
MALT LIQUOR.

Sec. 81a. No person shall manufacture, sell or offer for sale, or order or permit any employe or other person to sell or offer for sale,

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**CANNED GOODS
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either at wholesale or retail, any malt extract, beer, porter, ale or stout unless the same shall have been brewed or fermented as such; and any person, incorporation or officer or agent thereof violating these provisions, or any person or corporation or agent thereof selling or offering for sale or ordering or permitting any other person or employe to sell or offer for sale any beer (to which coloring matter or portenine

has been added), representing the same to be malt extract or porter or other beverage or any malt or spirituous liquor, other than by its proper name, shall be deemed guilty of a misdemeanor and punished by imprisonment for not longer than one year or by a fine not exceeding five hundred dollars or by both fine and imprisonment, in the discretion of the court having jurisdiction.

DECISIONS OF THE SUPREME COURT OF MARYLAND ON FOOD LAWS.

FOOD LAWS. DECISIONS OF U. S. COURTS.

Where a case is decided by the U. S. Courts on a question of constitutionality, the state courts are bound by said decision. *Fox vs. State*, 89 Md. 381.

A state cannot prohibit the importation and sale within the state of oleomargarine in original packages made to resemble butter and in imitation thereof; but it can prohibit the sale of impure oleomargarine which is deleterious to health whether it is sold for butter or oleomargarine and no matter where it is made. *Id.*

CONSTRUCTION OF STATUTES. Statutes which prohibit the sale of adulterated meat, butter and milk are construed as a means for the protection of the public health. *Pierce vs. State*, 63 Md. 592.

MILK. POLICE POWER. It is not unconstitutional to declare by law that a certain class of persons shall not sell impure milk within the city or town when a sale by that class of people would be particularly injurious to health, even though the law is not intended to apply to other persons who sell milk in the country, and it is not bad under the foregoing conditions as being class legislation. *State vs. Broadbelt*, 89 Md. 565.

A man has the right to exercise control over his property, but that control can be regulated by law when the protection of the public health requires it and when the equal control and enjoyment by other people of their property requires such regulation. *Id.*

Police power properly exercised cannot be limited by contract nor bartered away by the legislature. *Id.*

MILK INSPECTION. An ordinance made in pursuance of a statute authorizing a city to provide for the inspection and sale of milk within its limits which requires that all milk shall come up to a certain standard and authorizing the destruction of milk found below that standard, is a valid exercise of the police power. *Deems vs. Mayor*, 80 Md. 164.

OLEOMARGARINE.

ACTS REGULATING SALE OF OLEOMARGARINE VALID. *Pierce vs. State*, 63 Md. 592; *McAllister vs. State*, 72 Md. 390.

VALIDITY OF LAW. The provisions of the oleomargarine law which prohibit the keeping, selling or offering for sale of oleomargarine produced by mixing animal and vegetable oils, deleterious substances and milk with certain acids is valid both as to oleomargarine made in the state and that imported from other states and sold or offered for sale in the original packages. *Fox vs. State*, 89 Md. 381.

The statute against the sale of an article made in imitation or semblance of natural butter is held not to apply to oleomargarine shipped into this state from others and sold in original packages. Held that it is an article of commerce and that the statute would be a violation of the Federal Constitution regarding commerce if it were made to cover such goods. *Fox vs. State*, 89 Md. 381.

INDICTMENT. A violation of the Pub. Gen. Laws, Par. 90, is sufficiently charged in an indictment charging the sale of oleomargarine colored so as to resemble butter. *Rasch vs. State*, 89 Md. 755.

INDICTMENT. An indictment need not allege that the oleomargarine was fraudulently sold. *Fox vs. State*, 94 Md. 143.

RESTAURANT KEEPER. The Maryland Code Pub. Gen. Laws, Sec. 91, which proscribes that it is an offense for a restaurant keeper to serve oleomargarine as food to his boarders is not a violation of the U. S. Con., Par. 2 of Art. 4, nor of the 14th Amend. of the Constitution. *Hancock vs. State*, 89 Md. 724.

It is no defense in a prosecution for selling oleomargarine to say that it is a wholesome article and imported from another state, where it is being sold by a restaurant keeper at his tables, as it is not then being served in original packages and does not come within the purport of the constitution as to selling it in original packages. *Hancock vs. State*, 89 Md. 725.

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DR. GOODFELLOW, of the London (Eng.) Technical College, in giving some hints concerning the proper preparation of cocoa, says:

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BOSTON

PURE FOOD LAWS OF MASSACHUSETTS.

The Dairy and Food Laws of the State of Massachusetts are administered by a Dairy Bureau under the control of the Board of Agriculture, and by the State Board of Health. The Dairy Bureau of the Board of Agriculture consists of three members of said board appointed by the Governor with the advice and consent of the council, for a term of three years. The salary of the members of this bureau and their powers and duties are herein-after set forth.

THE DAIRY BUREAU OF THE BOARD OF AGRICULTURE CONSISTS OF THE FOLLOWING MEMBERS:

J. Lewis Ellsworth, Executive Officer.
P. M. Harwood, Gen'l Agent.....Boston
C. D. Richardson, Chairman.
J. M. Danforth.
H. E. Paige.

The State Board of Health has supervisory powers over the enforcement of the laws relating to the adulteration of articles of food and drink, and shall take cognizance of all these laws as they relate to the general health.

THE STATE BOARD OF HEALTH CONSISTS OF:

Henry P. Walcott, M. D., Chairman. Cambridge
Gerard C. Tobey, Esq.....Wareham
John W. Bartol, M. D.....Boston
Hiram F. Mills, C. E.....Lawrence
James W. Hull.....Pittsfield
Charles H. Porter.....Quincy
Julian A. Mead, M. D.....Watertown

Samuel W. Abbott, M. D., Secretary.
X. H. Goodnough, C. E., Engineer.

The persons chiefly concerned in enforcing the Pure Food Laws under the supervision of the Board of Health are as follows:

Sam'l W. Abbott, Sec'y, general supervision of work.

Albert E. Leach, Chemist, Food and Drug Analysis.

Chas. A. Goessmann, Milk Analyst for Western Massachusetts.

H. C. Lythgoe, Ass't Chemist.

John F. McCaffrey, Inspector.

John H. Terry, Inspector.

Horace F. Davis, Inspector.

DAIRY BUREAU.

CHAPTER 89.

Sec. 5. The board [of agriculture] shall at its annual meeting appoint a general agent of the dairy bureau, to assist the bureau and, un-

der its direction, to superintend the work provided for in section 11. He shall receive an annual salary of \$1,200 and his necessary expenses.

Sec. 11. The dairy bureau of the Board of Agriculture shall consist of three members of said board, one of whom shall annually, before the first day of July, be appointed by the Governor, with the advice and consent of the council, for a term of three years. The Governor may at any time terminate the service of any member of said bureau and may there-upon or upon any member thereof ceasing to be a member of the board appoint another member in his place. Each member of said bureau shall receive \$5 for each day of actual service and his actual traveling expenses, which shall be paid by the commonwealth out of the fund provided for in the following section:

The bureau, under the general direction of the Board of Agriculture, shall inquire into the methods of making butter and cheese in cheese factories or creameries, investigate all dairy products and imitation dairy products bought or sold within the commonwealth; enforce all laws for the manufacture, transfer and sale thereof, and shall disseminate such information as will tend to produce a better quality thereof.

The Secretary of the Board of Agriculture shall be the executive officer of the bureau subject to its control and direction, and shall receive, in addition to his salary as secretary, \$500 a year from the commonwealth.

Sec. 12. The bureau may expend not more than \$7,000 annually in its work, and it may co-operate with the State Board of Health and with inspectors of milk, but it shall not interfere with the duties of such board or officers. It shall annually, before the fifteenth day of January, report to the general court in detail of the number of assistants, experts and chemists employed by it, with their expenses and disbursements, of all investigations made by it, of all cases prosecuted with the results thereof, and other information advantageous to the dairy interests in the state.

Sec. 13. The bureau and its agents and counsel as assistants shall have access to all places of business, factories, buildings, carriages and cars, used in the manufacture, transportation or sale of dairy products, or imitations thereof, and to all vessels and cans used in such manufacture and sale, and shall have the authority given to the State Board of Health or its officers or to the inspectors of milk, to enforce and prosecute violations of all laws relating to dairy products or imitations

thereof. Whoever hinders, obstructs or in any way interferes with an officer or duly authorized agent of the dairy bureau in the performance of his duty shall be punished by a fine of \$100 for the first offense, and of \$200 for each subsequent offense, which shall be payable into the treasury of the commonwealth.

BUTTER, CHEESE AND LARD.

CHAPTER 56.

Sec. 35. For the purposes of sections 36 to 47, inclusive, the word "Oleomargarine" shall include "butterine," "imitation butter" and any article, substance or compound, made in imitation or semblance of butter or as a substitute for butter and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, and for the purposes of section 37, 38 and 41 to 47 inclusive the terms "butter" and "cheese" shall mean the products which are usually known by these names, and are manufactured exclusively from milk or cream, with salt and rennet, and with or without coloring matter.

Sec. 36. Whoever, himself or by agent, sells, exposes for sale or possesses with intent to sell, oleomargarine shall have the word "oleomargarine," or "butterine," stamped, labeled or marked, so that said word cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing any of said oleomargarine. Whoever, himself or agent, exposes or offers for sale oleomargarine not in the original package, shall attach thereto in a conspicuous place a label bearing the words, "imitation butter," "oleomargarine" or "butterine." In retail sales of oleomargarine not in the original package, the seller shall attach to each package so sold and deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation butter," "oleomargarine" or "butterine." All said stamps, labels and marks shall be in printed letters in a straight line of plain, uncondensed Gothic type not less than one-half inch in length.

Sec. 37. Whoever, himself or agent, sells, exposes for sale or has in his possession with intent to sell, any article made in imitation or semblance of cheese or as a substitute for cheese, not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "imitation cheese" stamped, labeled or marked in printed letters of plain, uncondensed Gothic type, not less than one inch in length, so that said words cannot be easily defaced, upon the side of every cheese-cloth or band, around the same, and upon the top and side of every tub, firkin, box or package con-

taining any of said article. In retail sales of any of said article not in the original packages the seller shall attach to each package so sold at retail, and deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation cheese," in printed letters of plain, uncondensed Gothic type, not less than one-half inch in length.

Sec. 38. Whoever sells, exposes for sale or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of butter or cheese or as a substitute for butter or cheese, except as provided in the two preceding sections, and whoever, with intent to deceive, defaces, cancels or removes any mark, stamp, brand, label or wrapper provided for in said sections, or in any manner shall falsely label, stamp or mark any box, tub, article or package marked, stamped or labeled as aforesaid, or whoever, himself or by agent, sells, exposes for sale, or has in his possession with intent to sell, oleomargarine, contained in any box, tub, article or package, marked or labeled with the word "dairy" or the word "creamery," or the name of any breed of dairy cattle, shall for the first offence forfeit \$100, and for each subsequent offence \$200, to the use of the city or town in which the offence was committed.

Sec. 39. Every person who conveys oleomargarine in carriages or otherwise, for the purpose of selling the same in any city or town, shall annually, in May, be licensed by an inspector of milk of such city or town to sell the same within the limits thereof, and pay therefor to such inspector 50 cents to the use of the city or town. In towns in which there is no inspector of milk, licenses shall be issued by the town clerk. Licenses shall be issued only in the names of the owners of carriages or other vehicles, and shall be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each license shall be numbered and state the name, residence, place of business, number of vehicles used and the name and residence of every driver or other person engaged in carrying oleomargarine. Each licensee shall, before engaging in the sale of oleomargarine, cause his name, number of license and place of business to be legibly placed on each outer side of all vehicles used by him in the conveyance and sale thereof, in Gothic letters not less than one inch in length, and he shall report to the inspector any change of driver or other person employed by him which may occur during the term of his license. Whoever, without being first licensed, sells, oleomargarine, or exposes or offers it for sale from carriages or other vehicles or has it in his custody with intent to sell, and whoever violates

any of the provisions of this section, shall, for a first offence, be fined not less than \$30 nor more than \$100, and for a second offence be fined not less than \$50 nor more than \$300.

Sec. 40. Every person, before selling or offering for sale oleomargarine in a store, booth, stand or market place in a city or town in which an inspector of milk is appointed, shall annually, in May, register in the books of such inspector, or if there is no inspector then in the books of the town clerk, his name and proposed place of sale, and pay 50 cents therefor to the use of such city or town. Whoever neglects so to register shall be fined not more than \$20.

Sec. 41. Whoever, himself or agent, renders, manufactures, sells, offers for sale, exposes for sale, takes orders for the future delivery of, has in his possession, keeps in storage, distributes, delivers, transfer or conveys with intent to sell, within the commonwealth, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same, shall be fined not less than \$100 nor more than \$500 or be imprisoned for not more than one year; but the provisions of this section shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will inform the consumer of its real character, free from coloration or ingredient which causes it to look like butter.

Sec. 42. Inspectors of milk shall, if they have reasonable cause to believe that the provisions of sections 36 to 47 inclusive have been violated, on the information of any person who lays before them satisfactory evidence, institute complaints for violations of said sections. They may enter all places in which butter, cheese or imitations thereof are stored or kept for sale, and shall take sample of suspected butter, cheese or imitations thereof and cause them to be analyzed or otherwise satisfactorily tested, and record and preserve the result of such analysis or test as evidence. Before commencing the analysis of any sample in proceedings under section 36, 37 and 38, the analyst shall reserve and seal a portion of the sample, and upon a complaint against any person, such reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney. The expense of such analysis or test, not exceeding \$20 in any one case, may be included in the expenses of such prosecutions. Whoever hinders, obstructs or in any way interferes with an inspector or his agent in the performance of his duty under the provisions of this section shall be punished

by a fine of \$50 for the first offence and of \$100 for each subsequent offence.

Sec. 43. Whoever, himself or by his agent, sells or offers for sale to any person who asks, sends or inquires for butter, any oleomargarine, shall be fined \$100 for each offence.

Sec. 44. Whoever exposes for sale oleomargarine which is not marked and distinguished by all the marks, words and stamps required by law, and does not have upon the exposed contents of every opened tub, package or parcel thereof a conspicuous placard with the word "oleomargarine" printed thereon in plain, uncondensed Gothic letters, not less than one inch long, shall be fined \$100 for each offence.

Sec. 45. Whoever sells oleomargarine from any dwelling, store, office or public mart which does not have conspicuously posted thereon the placard or sign, in letters not less than four inches in length, "oleomargarine sold here," or "butterine sold here," approved by the dairy bureau, shall be punished by a fine of \$100 for the first offence and \$100 for each day's neglect after conviction for the first offence.

Sec. 46. Whoever, himself or agent, peddles, sells, solicits orders for the future delivery of or delivers from any cart, wagon or other vehicle, oleomargarine, not having on both sides of said cart, wagon or other vehicle the placard in uncondensed Gothic letters, not less than three inches in length, "Licensed to sell oleomargarine," shall be fined \$100 or imprisoned thirty days for each offence.

Sec. 47. Whoever furnishes oleomargarine or causes it to be furnished in any hotel, restaurant, boarding house or at any lunch counter, to a guest or patron thereof, instead of butter, without notifying said guest or patron that the substance so furnished is not butter shall be punished by a fine of not less than \$10 nor more than \$50 for each offence.

Sec. 48. Whoever himself or by his agent or as the servant or agent of another person sells, exposes for sale, or has in his custody or possession with intent to sell any article or compound which is produced by taking original packing stock or other butter or both, melting the same so that the butter fat can be drawn off, mixing the said butter fat with skim milk, or milk or cream or other milk product, and re-churning the said mixture or by any other process that is commonly known as process butter shall have the words "Renovated Butter" conspicuously stamped, labeled or marked in a straight line of printed letters not less than one-half inch in length of plain uncondensed Gothic type, so that said words cannot be easily defaced, upon the top, side or bottom of every tub, firkin, box or package containing such article or compound. The dealer at retail of said article or compound which is not in the original

package shall himself or by his agent attach to each package so sold or deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package the words "Renovated Butter" in printed letters not less than one-half inch in height in a straight line of plain uncondensed Gothic type.

Whoever violates any provisions of this section shall for the first offence be punished by a fine of not less than \$25 nor more than \$100; for the second offence by a fine of not less than \$100 or more than \$300, and for a subsequent offence, by a fine of \$500 or by imprisonment for not less than sixty nor more than ninety days. Approved May 18th, 1903.

Sec. 49. No person shall sell, deliver, prepare, put up, expose or offer for sale any lard or any article intended for use as lard, which contains any ingredient except the pure fat of swine, in any tierce, bucket, pail or other vessel or wrapper, or under any label, bearing the words "pure," "refined," "family," or either of them, alone or in combination with other words; but every vessel, wrapper or label in or under which such article is sold, delivered, prepared, put up or exposed for sale by him shall bear on the top or outer side thereof, in letters not less than one-half inch in length and plainly exposed to view, the words "compound lard." Whoever violates the provisions of this section shall be fined not more than \$50 for the first offence or not more than \$100 for a subsequent offence.

Sec. 50. All fines recovered under the provisions of sections 43, 44, 45, 46 and 47 shall be payable to the commonwealth.

MILK.

Sec. 51. The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more inspectors of milk for their respective cities and towns. Each inspector shall publish a notice of his appointment for two weeks in a newspaper published in his city or town, if any; otherwise he shall post such notice in two or more public places in such city or town. He shall receive such compensation as the mayor and aldermen or selectmen may determine.

Sec. 52. Such inspectors shall keep an office and shall record, in books kept for the purpose, the names and places of business of all persons engaged in the sale of milk within their city or town. They may, with the approval of the mayor or selectmen, employ collectors of samples of milk. The inspectors or collectors may enter all places in which milk is stored or kept for sale and all carriages used for the conveyance of milk, and take therefrom samples for analysis. They shall, upon request made

at the time such sample is taken, seal and deliver to the owner or person from whose possession the milk is taken a portion of each sample, and a receipt therefor shall be given to the inspector or collector. Inspectors shall cause such sample to be analyzed or otherwise satisfactorily tested, and record as evidence the results thereof; but no evidence of the result of such analysis or test shall be received if the inspector or collector on request, refuses or neglects to seal and deliver a portion of the sample taken as aforesaid to the owner or person from whose possession it is taken.

Sec. 53. Whoever, in cities and in towns in which an inspector of milk is appointed, conveys milk in carriages or otherwise for the purpose of sale shall annually, before the first day of June, be licensed by the inspector of milk of such city or town to sell milk within the limits thereof, and shall pay to such inspector 50 cents to the use of the city or town. Licenses shall be issued only in the names of the owners of carriages or other vehicles. They shall, for the purposes of this chapter, be conclusive evidence of ownership and shall not be sold, assigned or transferred. Each license shall contain the number thereof, the name, residence, place of business, number of carriages or other vehicles used by the licensee, and name of every driver or person employed by him in carrying or selling milk. Each licensee shall, before engaging in the sale of milk, cause his name, number of his license and place of business to be legibly placed on each outer side of all carriages or vehicles used by him in the conveyance and sale of milk, and he shall report to the inspector any change of driver or other person who may be employed by him occurring during the term of his license. Whoever, without being first so licensed, sells milk or exposes it for sale from carriages or other vehicles, or has it in his possession with intent so to sell, or violates any of the provisions of this section, shall for a first offence be fined not less than \$30 nor more than \$100, for a second offence fined not less than \$50 nor more than \$300, and for a subsequent offence be fined \$50 and imprisoned not less than thirty nor more than sixty days.

Sec. 54. Every person, before selling milk or offering it for sale in a store, booth, stand or market place in a city or in a town in which an inspector of milk is appointed, shall register in the books of such inspector his name and proposed place of sale, and shall pay to him 50 cents to the use of such city or town. Whoever neglects so to register shall be punished by a fine of not more than \$20.

Sec. 55. Whoever, himself or otherwise, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver

or exposes or offers for sale or exchange, adulterated milk or milk to which water or any foreign substance has been added, or milk produced from cows which have been fed on the refuse of distilleries, or from sick or diseased cows, or, as pure milk, milk from which the cream or a part thereof has been removed, and whoever sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange or deliver, skimmed milk containing less than nine and three-tenths per cent of milk solids exclusive of fat, shall for a first offence be punished by a fine of not less than \$50 nor more than \$200, for a second offence by a fine of not less than \$100 nor more than \$300 and for a subsequent offence by a fine of \$50 and by imprisonment for not less than sixty nor more than ninety days.

Sec. 56. In prosecutions under the provisions of sections 51 to 64, inclusive, milk, which, upon analysis, is shown to contain in April, May, June, July, August and September less than twelve per cent of milk solids, or less than nine per cent of milk solids exclusive of fat, or less than three per cent of fat, and in the other months to contain less than thirteen per cent of milk solids, or less than nine and three-tenths per cent of milk solids exclusive of fat, or less than three and seven-tenths per cent of fat, shall not be considered milk of good standard quality.

Sec. 57. Whoever, himself or otherwise, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, milk which is not of good standard quality, shall for a first offence be punished by a fine of not more than \$50, for a second offence by a fine of not less than \$100 nor more than \$200, and for a subsequent offence by a fine of \$50 and by imprisonment for not less than sixty nor more than ninety days.

Sec. 58. Whoever, himself or agent, sells, exchanges or delivers or has in his possession with intent to sell, exchange or deliver, milk from which the cream or a part thereof has been removed, not having the words "skimmed milk" distinctly marked upon a light ground in plain, dark, uncondensed Gothic letters at least one inch in length in a conspicuous place upon every vessel, can or package from or in which such milk is, or is intended to be, sold, exchanged or delivered shall be punished as provided in section 55. If such vessel, can or package is of the capacity of not more than two quarts, said words may be placed upon a detachable label or tag attached thereto and said letters may be less than one inch in length.

Sec. 59. Whoever sells, or offers for sale or exchange, condensed milk or condensed skimmed milk in hermetically sealed cans without having such cans distinctly labeled with the

name of the manufacturer of such milk, the brand under which it is made and the contents of the can; and whoever sells condensed milk from cans or packages not hermetically sealed without having such cans or packages branded or labeled with the name of the manufacturer, shall be punished as provided in section 55.

Sec. 60. Whoever makes, causes to be made, uses or has in his possession, an imitation or counterfeit of a seal used by an inspector of milk, collector of samples or other officer engaged in the inspection of milk, and whoever changes or tampers with a sample taken or sealed as provided in section 52, shall be fined \$100 and imprisoned not less than three nor more than six months.

Sec. 61. An inspector of milk, or his agent, who willfully connives at or assists in a violation of the provisions of sections 51 to 64, inclusive, or of section 70, or whoever, except as provided in section 42 hinders, interferes with an inspector of milk or his servant or agent in the performance of his duty, shall be punished by a fine of not less than \$100 nor more than \$300 or by imprisonment of not less than thirty nor more than sixty days.

Sec. 62. A producer of milk shall not be liable to prosecution for the reason that the milk produced by him is not of good standard quality unless such milk was taken upon his premises or while in his possession or under his control by an inspector of milk, collector of samples of milk or agent of the dairy bureau or of the State Board of Health, and a sealed sample thereof was given to him.

Sec. 63. An officer of the State Board of Health or the dairy bureau, an inspector or collector of samples or other state, city or town officer who obtains a sample of milk for analysis shall, within ten days after obtaining the result of the analysis, send it to the person from whom the sample was taken or to the person responsible for the condition of such milk.

Sec. 64. An inspector shall make a complaint for a violation of any of the provisions of sections 51 to 69, inclusive, upon the information of any person who lays before him satisfactory evidence by which to sustain such complaint.

Sec. 65. Bottles, pipettes or other measuring glasses which are used by a person, firm or corporation, or by an employe or agent thereof, at a creamery, cheese factory, condensed milk factory, milk depot or other place, in this commonwealth, in determining by any test the value of milk or cream received from different persons or associations at such creameries, factories or milk depots as a basis of payment for such milk or cream, shall, before use, be tested for accuracy by the director of the Hatch Experiment Station of the Massachusetts Agricul-

tural College or by a competent person who may be designated by him. Such director shall receive for such service the amount of the actual cost incurred, and no more, which shall be paid by the persons or corporations for whom it is rendered. Such bottles, pipettes or measuring glasses shall, if found to be accurate, bear in ineffaceable marks or characters the evidence that such test has been so made; if found to be inaccurate they shall be marked "Bad."

Sec. 66. Said director, or his agent, shall annually inspect, at the expense of the owners, all centrifugal or other machines used by any person, firm or corporation, or by any agent or employe thereof, for the testing of milk or cream in fixing the value thereof; and shall cause all such machines to be put into condition to obtain accurate results with the Babcock or other test, at the expense of the owners thereof. Such machines may be replaced by new machines at the election of the persons to whom they belong.

Sec. 67. No person shall, either himself or as an employe of any other person, firm or corporation, manipulate any test, whether mechanical or chemical, for the purpose of measuring the butter fat contained in milk or cream as a basis for determining the value of such milk or cream, or of butter or cheese made therefrom, without first obtaining a certificate from the director of the Hatch Experiment Station that he is competent to perform such work. Rules governing applications for such certificates and the granting of the same shall be established by said director. The fee for issuing such a certificate shall not exceed \$2, and shall be paid by the applicant to said director, to be used in paying the expenses incurred under the provisions of sections 65 to 69, inclusive.

Sec. 68. Said director shall test farmers' samples of milk or cream by the Babcock method, and report the results of each test, the cost thereof to be paid by the farmer. The director shall also test by the Babcock method samples of milk or cream sent from any creamery, factory or milk depot in the commonwealth by its proper representative, the actual cost of such tests to be borne by the sender. The experiment station shall publish and distribute such information relative to the provisions of this section concerning the Babcock test, and the taking and forwarding of samples, as it considers necessary.

Sec. 69. Whoever violates any provision of the four preceding sections shall be punished by a fine of not more than \$25 for the first offence and of not more than \$50 for each subsequent offence.

MEAT AND PROVISIONS.

Sec. 70. Boards of health of cities and towns may inspect the carcasses of all slaughtered animals and all meat, fish, vegetables, produce, fruit or provisions of any kind found in their cities or towns, and for such purpose may enter any building, enclosure or other place in which such carcasses or articles are stored, kept or exposed for sale. If, on such inspection, it is found that such carcasses or articles are tainted, diseased, corrupted, decayed, unwholesome or, from any cause, unfit for food, the Board of Health shall seize the same and cause it to be destroyed forthwith or disposed of otherwise than for food. All money received by the Board of Health for property disposed of as aforesaid shall, after deducting the expenses of said seizure, be paid to the owner of such property. If the Board of Health seizes or condemns any such carcass or meat for the reason that it is affected with a contagious disease, it shall immediately give notice to the Board of Cattle Commissioners of the name of the owner or person in whose possession it was found, the nature of the disease and the disposition made of said meat or carcass.

Sec. 71. The Board of Health may inspect all veal found, offered or exposed for sale or kept with the intent to sell in its city or town, and if, in its opinion, said veal is that of a calf less than four weeks old when killed, the board shall seize and destroy or dispose of it as provided in the preceding section, subject, however to the provisions thereof relative to the disposal of money.

Sec. 72. Whoever prevents, obstructs or interferes with the Board of Health in the performance of its duties as provided herein or hinders, obstructs or interferes with any inspector, or examination by him, and whoever secretes or removes any carcass, meat, fish, vegetables or provisions of any kind for the purpose of preventing the same from being inspected or examined, under the provisions of the sections 70 to 76, inclusive, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days or by both fine and imprisonment.

Sec. 73. Whoever knowingly sells or offers for sale or has in his possession with intent to sell for food any diseased animal, or any product thereof, or any tainted, diseased, corrupted, decayed or unwholesome carcass, meat, fish, vegetable or products, fruits or provisions of any kind, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days or both; and whoever knowingly sells any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without their condition being fully known to the buyer, shall be punished

by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

VEAL.

Sec. 74. Whoever kills, or causes to be killed, or knowingly sells, offers or exposes for sale, or has in his possession with intent to sell for food the veal of calves killed when less than four weeks old shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days or both.

Sec. 75. The Board of Health for the city or town in which any animal or property has been condemned, under the provisions of sections 70 and 71, may cause a description of the place in which such condemned property was found and the name of every person in whose possession it was found, and the name of every person convicted, or fined under the provisions of the preceding sections to be published in two newspapers, published in the county in which such property was found.

ADULTERATED DRUGS AND FOOD.

Chapter 75.

Section 16. No person shall manufacture, offer for sale or sell, within this commonwealth, any drug or article of food which is adulterated within the meaning of section eighteen; but no employe, other than a manager or superintendent, shall be punished for a violation of this section unless such violation was intentional on the part of the said employe.

Section 17. The term "drug," as used in sections sixteen to twenty-seven, inclusive, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food" as used therein shall include all articles, simple, mixed or compound, used in food or drink by man.

Section 18. A drug shall be deemed to be adulterated: 1. If, when sold under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity prescribed therein, unless the order therefor requires an article inferior to such standard or unless such difference is made known or so appears to the purchaser at the time of the sale. 2. If, when sold under or by a name not recognized in the United States pharmacopœia but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity prescribed in such work. 3. If its strength, quality or purity falls below the professed standard under which it is sold.

Food shall be deemed to be adulterated: 1.

If any substance has been mixed with it so as to reduce, depreciate or injuriously affect its quality, strength or purity. 2. If an inferior or cheaper substance has been substituted for it wholly or in part. 3. If any valuable or necessary constituents or ingredients have been wholly or in part taken from it. 4. If it is in imitation of or is sold under the name of another article. 5. If it consists wholly or in part of a diseased, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or in case of milk, if it is produced by a diseased animal. 6. If it is colored, coated, polished or powdered in such a manner as to conceal its damaged or inferior condition, or if by any means it is made to appear better or of greater value than it is. 7. If it contains any added substance or ingredient which is poisonous or injurious to health. 8. If it contains any added antiseptic or preservative substance, except common table salt, saltpetre, cane sugar, alcohol, vinegar, spices, or, in smoked food, the natural products of the smoking process; but the provisions of this definition shall not apply to any such article if it bears a label on which the presence and the percentage of every such antiseptic or preservative substance are clearly indicated, nor shall it apply to such portions of suitable preservative substances as are used as a surface application for preserving dried fish or meat, or as exist in animal or vegetable tissues as a natural component thereof, but it shall apply to additional quantities. The provisions of this and the two preceding sections relative to food shall not apply to mixtures or compounds not injurious to health and which are recognized as ordinary articles or ingredients of articles of food, if every package sold or offered for sale is distinctly labeled as a mixture or compound with the name and per cent of each ingredient therein.

LABELING GOODS.

Sec. 19. If a statement of any of the ingredients of an article of food or drink, or of any article entering into food or drink, is required by law to be stated upon the label of such article, such statement and the name and address of the manufacturer or vendor of the article shall be distinctly printed on the label, in straight parallel lines, in plain, uncondensed and legible type, well spaced on plain ground. The statement of ingredients shall be clear, separated from and not interspersed or confused with other matter. It shall specify every such ingredient by its ordinary name, and shall be in the English language; the letters of said type shall be not less than one-twelfth of an inch long and shall be larger than any of the printed matter on the label or package, except-

ing the name of the compound, or the article inclosed therein. The required label shall be firmly attached to or printed on the exterior of the package of said article or the top or side thereof and in plain sight. But the State Board of Health may in writing approve specific labels not strictly in accordance with the above provision, if it is of the opinion that the information required by law is therein clearly set forth for the reasonable protection of the purchaser. Goods labeled in violation of the provisions of this section shall be subject to the provisions of law relative to the adulteration of food which is unlabeled.

ANALYSIS OF GOODS.

Sec. 20. Whoever offers or exposes for sale or delivers to a purchaser any drug or article of food shall upon application of the inspector, analyst or other officer or agent of the State Board of Health, and upon tender to him of the value thereof furnish a sufficient sample of any drug or article of food which is in his possession for analysis thereof.

Sec. 21. Before such sample is analyzed a portion thereof shall be reserved and sealed by the analyst and upon a complaint against any person, such reserved portion shall, upon application, be delivered to the defendant or his attorney.

CANNED GOODS.

Sec. 22. Canned articles of food shall not be offered for sale unless they bear a mark to indicate the grade or quality thereof and the name and address of the person who packed or who sells them.

Sec. 23. All canned articles of food which have been prepared from dried products, and have been soaked before canning, shall be plainly marked by an adhesive label having on its face the word "soaked" in letters of legible type not smaller than two-line pica. All cans, jugs or other packages containing maple syrup or molasses shall be plainly marked by an adhesive label having on its face the name and address of the person who made or prepared the same, with the name and the quality of the ingredients of the goods in letters of the size and description aforesaid.

Sec. 24. Whoever falsely stamps or labels any cans, jars or other packages containing fruit or food of any kind or knowingly permits such stamping or labeling, or, except as hereinbefore provided, violates any of the provisions of sections 16 to 27, inclusive, shall be punished by a fine of not less than one hundred, nor more than five hundred dollars, and whoever sells such goods so falsely stamped or labeled shall be punished by a fine of not less than ten nor more than one hundred dollars.

ADULTERATED FOOD.

Sec. 25. Whoever, for the purpose of sale fraudulently, adulterates food with any substance injurious to health or knowingly barter, gives away, sells or has in his possession with intent to sell any substance intended for food which has been adulterated with any substance injurious to health shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year and the article so adulterated shall be forfeited and destroyed under the direction of the court.

CHOCOLATE.

Chapter 57.

Sec. 8. Chocolate in cakes shall be made in pans in which shall be stamped the name of the manufacturer, the town in which he resides, the quality of the chocolate in figures, "No. 1," "No. 2," "No. 3," as the case may be, and the letters "Mass."

Sec. 9. Quality number one shall be made of cocoa of the first quality. Quality number two of cocoa of the second quality. Both shall be free from adulteration. Quality number three may be made of the inferior kinds and qualities of cocoa. Each box containing chocolate shall be branded on the end thereof with the word "chocolate," the name of the manufacturer of the chocolate, the town in which it is manufactured and the quality as prescribed and directed in the preceding section for the pan.

Sec. 10. If chocolate manufactured in the commonwealth is offered for sale and is found to be not of the qualities described in the two preceding sections or marked as therein directed it may be seized and libeled.

VINEGAR.

CHAPTER 57.

Sec. 66. Whoever, by himself, servant, or agent, or as the servant or agent of another person, sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange or deliver, or exposes or offers for sale or exchange, adulterated vinegar or whoever labels, brands or sells as cider vinegar or as apple vinegar, any vinegar not the legitimate product of pure apple juice and not made exclusively from cider, shall be punished by a fine of not more than one hundred dollars.

Sec. 67. Vinegar shall contain no artificial coloring matter and shall have an acidity equal to the presence of not less than four and one-half per centum by weight of absolute acetic acid. Cider vinegar shall, in addition, contain not less than two per centum by weight of cider vinegar solids upon full evaporation over boiling water. If pure vinegar contains any artificial coloring matter or less than the required

amount of acidity, or if cider vinegar contains less than the required amount of acidity or cider vinegar solids it shall be deemed to be adulterated.

Sec. 68. Every person, who manufactures for sale, or offers or exposes for sale, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious to health shall for each offence be punished by a fine of not less than one hundred dollars.

Sec. 69. The milk inspector shall cause the provisions of the three preceding sections to be enforced.

PENALTY.

Acts of 1902, 540.

AN ACT RELATIVE TO THE LABELING OF BAKING-POWDERS.

DECISIONS OF THE SUPREME COURT OF MASSACHUSETTS ON FOOD LAWS.

ADULTERATION. It makes no difference whether the foreign matter used is or is not injurious to the health; the addition of pure water is punishable under the statute. *Com. vs. Scheffner*, 146 Mass. 512.

DISEASED MEAT. The offense of selling consists in the knowledge or the intention of the party in selling meat which he knows is unfit for food. *Com. vs. Boynton*, 12 Cush. (Mass.) 499.

CATERER. LIABILITY. One who holds himself out to the public as a caterer is liable to all persons who partake of what he has provided for them, in case they suffer from eating unwholesome food so provided. *Bishop vs. Weber*, 139 Mass. 411. And it is not necessary to allege payment or special damage. *Peck vs. Halman*, 28 Mass. 484.

CREAM. Held that cream to which boracic acid has been added comes within the meaning of the statute against a person possessing with intent to sell "milk" to which a foreign substance has been added. The term "milk" is held to include cream. *Com. vs. Gordon*, 159 Mass. 8.

CONSTRUCTION. Sections 5, 6, 7 and 9, Chap. 57, Pub. Stat. are construed to "prohibit the sale, etc., of milk containing 'more than eighty-seven per centum of watery fluid,' or 'less than thirteen per centum of milk solids,' unless it is sold, not as pure milk, but as skimmed milk, and out of a vessel, can, or package marked as required by section 7, that, on such a charge, it is immaterial what is the cause of the excess of watery fluid, or of the deficiency of milk solids; that the sale, etc., of milk 'to which water or any foreign substance has been added, or milk produced from cows fed on the refuse of distilleries, or from sick

Section 1. Whoever manufactures for sale within this state, or offers or exposes for sale or sells any baking powder or mixture or compound intended for use as a baking powder under any name or title whatsoever shall securely affix or cause to be securely affixed to the outside of every box, can or package containing such baking powder or like mixture or compound, a label distinctly printed in brevier gothic capital letters, in the English language, containing the name and residence of the manufacturer and the ingredients of the baking powder, mixture or compound.

Section 2. Whoever violates any provision of this act shall be punished by a fine of not less than ten nor more than one hundred dollars for each offense.

or diseased cows,' is prohibited, whether it is sold as skimmed milk or pure milk, and whether it contains more or less than thirteen per centum of milk solids; and that the sale of skimmed milk as pure milk is prohibited, even if it contains more than thirteen per centum of milk solids, and it is prohibited in all cases unless it is sold as skimmed milk and out of a vessel, can, or package marked as required by Sec. 7." *Com. vs. Tobias*, 149 Mass. 129.

ADULTERATION. In prosecution for selling adulterated milk it is immaterial how the quantity of milk solids has been reduced below the required percentage. *Com. vs. Bowers*, 140 Mass. 483.

SAMPLES AND ANALYSIS. Under the law which requires that when a sample of milk is taken an analysis of the same shall be sent to the person from whom it is taken, the milk inspector told the defendant that he would give him the analysis of his samples if he wanted them, and told him what the analysis of the samples were, and afterwards on defendant's request wrote down the analysis of defendant's samples which were below standard and gave them to defendant, and it was held that defendant was sufficiently informed of the character of his milk. *Com. vs. McCance*, 176 Mass. 292.

OBTAINING SAMPLES. The statute which gives collectors of samples of milk power to enter places where the milk is kept and to take samples for analysis, and which requires a sealed sample to be left with the owner, does not apply to a case where an inspector buys a sample without discovering that he is an inspector, but the defendant may be convicted on the proof by such inspector if the milk is below

legal standard. *Com. vs. Coleman*, 157 Mass. 460.

DUPLICATE SAMPLES. The statute is merely directory which requires a portion of a sample of milk taken for inspection to be kept and delivered on request to the owner, and is not a condition precedent to the use of the inspector's testimony. *Com. vs. Holt*, 146 Mass. 38.

SEALING SAMPLES. The statute that requires all samples of milk to be sealed is not complied with by putting wax on top of the cork, but must extend over the nose of the bottle. *Com. vs. Lockhardt*, 144 Mass. 132.

RIGHT TO TAKE SAMPLES. The Legislature alone can justify the taking of samples of milk. An agent of a milk inspector has no right to take samples of milk against the will of the owner when he is not authorized by the inspector. It should be evident that the intention of the legislature was that the inspector should have the right to delegate their power to other persons and not a mere conjecture. *Com. vs. Smith*, 141 Mass. 135.

SAMPLES. Under the law which provides that inspectors of milk shall take and have analyzed samples of substances supposed to be imitation butter, it is not essential to sustain a prosecution for having in possession with intent to sell a compound in imitation of butter that the inspector save out and seal a portion of the sample. *Com. vs. Ryberg*, 157 Mass. 67.

SEALED SAMPLES. The statute of 1886 provides that a portion of a sample of milk taken for analysis shall, if the person taking the same be so requested, be sealed and delivered to the owner. This provision impliedly repealed the former enactment on the subject. *Com. vs. Kenneson*, 143 Mass. 418.

COMPLAINTS. RIGHT TO MAKE. The act that provides that inspectors of milk shall be authorized to institute proceedings against persons manufacturing, selling, or having in possession with intent to sell, any article in imitation of yellow butter produced from pure unadulterated milk or cream does not limit such right to such inspectors alone, but complaints filed may be made by other parties; and it is held that a complaint filed by the assistant of the Board of Agriculture was not bad for want of capacity under the act. *Com. vs. Mullen*, 176 Mass. 132.

MILK SALE. It is held that where milk is delivered to a purchaser of a meal as a part thereof it is a sale of the milk within the meaning of the statute, as though it had been bought and paid for apart from said meal. *Com. vs. Warren*, 160 Mass. 533.

BRIBERY OF MILK INSPECTION. An indictment for attempted bribery of a milk inspector is sufficient if it sets out all necessary facts

relating to his official position even though it does not say that he was an executive officer under the statute relating to the bribery of "any executive, legislative, or judicial officer." The indictment need not aver that the act related to any specific matter then pending before the judge. *Com. vs. Lapham*, 156 Mass. 480.

AVERMENT THAT SAMPLE WAS ANALYZED. It is sufficient to aver that the inspector caused the specimen to be analyzed or otherwise satisfactorily tested under the statute which requires inspectors who find milk adulterated to take samples thereof and have them analyzed and tested. *Com. vs. Lapham*, 156 Mass. 480.

PROOF BY ANALYSIS. A certain mode of proof of adulteration does not exclude other modes which existed before. *Com. vs. Spear*, 143 Mass. 172.

TEST BY LACTOMETER. In order to show that milk was adulterated when the test had been made by the use of a lactometer it is not necessary to offer evidence as to the character of the instrument. *Com. vs. Nicholas*, 10 Allen (Mass.) 199.

COMPETENCY OF EVIDENCE. HOW DETERMINED. In the absence of statutory provisions covering the taking of milk analyzed the rules determining the competency of evidence shall be according to the Common Law. The evidence of a person who has analyzed the milk and who is shown to have sufficient skill to analyze milk, is admissible. *Com. vs. Holt*, 146 Mass. 38.

CERTIFICATE. A certificate of analysis of milk by an inspector is admissible in evidence, provided the inspector testifies at the trial to the same facts as stated in the certificate. The admission of the certificate as evidence before an inspector testifies is not a ground for a new trial. *Com. vs. Waite*, 11 Allen (Mass.) 264.

EVIDENCE. The evidence showed that at an early hour in the morning the defendant's wagon was upon a public street, and that it contained several cans, from which a collector of samples in the employ of the milk inspector took a sample of milk from a can not marked "skimmed milk;" that an analysis of the milk so taken showed it to be below the legal standard; such evidence is sufficient to show an intent to sell the milk contained in the wagon. *Com. vs. Smith*, 142 Mass. 169.

AVERMENT OF QUALITY. Where the law requires a record of analysis be made and preserved as evidence and a certificate of such analysis sworn to by the analyst is made admissible in evidence against a defendant an averment that the analysis showed that the milk was not of standard quality was held to be sufficient. *Com. vs. Lapham*, 156 Mass. 480.

EVIDENCE. Testimony that the defendant

was on a wagon which had a license and contained milk cans in one of which was adulterated milk, is competent evidence to show that he was in possession of adulterated milk with intent to sell it. *Com. vs. Rowell*, 146 Mass. 128.

SALE. To sustain a conviction under the statute of 1886 it is sufficient to show that a glass of adulterated milk was sold on the premises. *Com. vs. Vieth*, 155 Mass. 442; *Com. vs. Warren*, 160 Mass. 533.

MILK. Statutes which provide "whoever sells or keeps or offers for sale adulterated milk, or milk to which water or other foreign substance has been added" throw the risk upon the seller of knowing that the milk which he keeps and offers for sale is pure and unadulterated. Under an indictment for violation of such statutes allegation of proof of criminal intent is unnecessary. *Com. vs. Farren*, 9 Allen (Mass.) 489; *Com. vs. Nichols*, 10 Allen (Mass.) 199; *Com. vs. Waite*, 11 Allen (Mass.) 264; *Com. vs. Smith*, 103 Mass. 444; *Com. vs. Warren*, 160 Mass. 533; *Com. vs. Vieth*, 155 Mass. 442. But see *Com. vs. Evans*, 132 Mass. 11.

ADULTERATION. It is necessary to show in a prosecution of a person having in his possession milk adulterated with water, the admixture of foreign articles. *Com. vs. Luscomb*, 130 Mass. 42.

WATERED MILK. If it is shown that watered milk was sold as skimmed milk it is a good defense to a prosecution for selling adulterated milk. *Com. vs. Tobias*, 141 Mass. 129.

SKIMMED MILK. It is not necessary that the buyer of skimmed milk know it to be such, provided the vessel containing it is only duly marked. *Com. vs. Smith*, 149 Mass. 9.

WATER ADDED TO SKIMMED MILK. It is an offense to sell skimmed milk to which water has been added. *Com. vs. Wetherbee*, 153 Mass. 159.

MILK. RESPONSIBILITY FOR ACT OF SERVANT. If a servant, in the course of his employment, sell adulterated or inferior milk, or imitation butter, or a sale by the master of such adulterated or inferior milk or imitation butter made by the servant without his knowledge, the master is criminally liable. *Com. vs. Gray*, 150 Mass. 327; *Com. vs. Warren*, 160 Mass. 533; *Com. vs. Vieth*, 155 Mass. 442.

MASTER'S LIABILITY. MILK. Possession of adulterated milk by servant is possession by the master, and he may be prosecuted for having the same. *Com. vs. Proctor*, 165 Mass. 38.

RESTAURANT KEEPERS. NOTICE. The law requiring restaurant keepers to furnish their guests with notice that oleomargarine or butterine is used instead of butter is not complied with by hanging up a sign reading "Butterine used only here," nor by having the words "Only fine butterine used here" printed on the bill of fare, if the guest does not read the sign or examine the bill of fare. *Com. vs. Stewart*, 159 Mass. 113.

VALIDITY (OLEOMARGARINE LAW). The legislature has power to pass laws to regulate the sale of oleomargarine. *Com. vs. Huntley*, 156 Mass. 236.

LICENSE TO SELL. Oleomargarine and butterine come within the meaning of the statute which provides that persons may carry and expose for sale fruits, provisions, etc., without a license. They are held to be provisions. *Com. vs. Lutton*, 157 Mass. 392.

SAMPLES. Where the defendant is charged with exposing for sale oleomargarine in imitation of butter and it is shown that he had oleomargarine in imitation of butter in his store, but kept it so that it could not be seen by customers, it is held that such facts shown are insufficient to support a conviction, and that they do not constitute an exposure for sale within the meaning of the statute. *Com. vs. Byrnes*, 158 Mass. 172.

SAMPLES. ILLEGAL TAKING. Even though a sample is taken from the defendant in an illegal manner, it is admissible as evidence in a prosecution for exposing for sale oleomargarine in imitation of butter. *Com. vs. Byrnes*, 158 Mass. 172.

OLEOMARGARINE LAW (CONSTRUCTION). A statute which provides that on "both sides of" a wagon selling oleomargarine there shall be "a placard in uncondensed gothic letters, not less than three inches in length 'Licensed to sell oleomargarine,'" is not complied with by putting the placard on the inside of a covered vehicle. *Com. vs. Crane*, 157 Mass. 218.

CRIMINAL INTENTION NEED NOT BE SHOWN. It is unnecessary in a prosecution for selling oleomargarine without giving the purchaser express notice that it is such, to show a criminal intention. *Com. vs. Gray*, 150 Mass. 327.

LABEL LAW. Held not to be a violation of the law, requiring the top and bottom of a package in which butterine is sold to be plainly so marked to sell from such a package when the cover has been temporarily removed. *Com. vs. Bean*, 140 Mass. 172.



THE PURE FOOD PRODUCTS

PREPARED BY

THE

WILLIAMS BROS.

COMPANY

PICKLERS *AND* PRESERVERS

DETROIT, MICH.,

ARE THE BEST

NOT ONLY

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BIGGEST VALUE for the Money

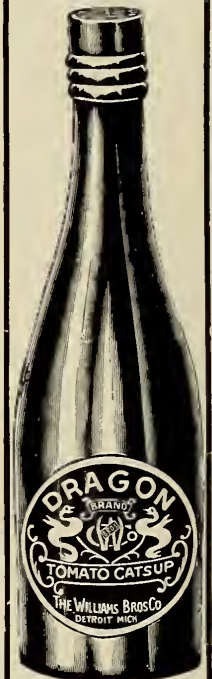


FOR SALE BY

WHOLESALE AND RETAIL **GROCERS**

EVERYWHERE

Members of the Association of Manufacturers and Distributors of Food Products of the United States.



PURE FOOD LAWS OF MICHIGAN.

The Pure Food Laws of the State of Michigan are administered by a State Dairy and Food Commissioner appointed by the Governor, with the consent of the Senate, for the term of two years, at a salary of \$2,000 per annum. The Commissioner shall appoint a Deputy Commissioner. He shall also have power to appoint necessary clerks for the transaction of his business, and six inspectors, who shall hold office during the pleasure of the Commissioner. He may also appoint a competent person to be State Analyst, and an Assistant State Analyst. The present Dairy and Food Commission of the State of Michigan consists of the following members:

A. W. Smith, Commissioner.
Perley C. Heald, Deputy Commissioner.
R. E. Doolittle, State Analyst.
L. H. Van Wormer, Assistant State Analyst.

A digest of the Dairy and Food Laws is as follows:

(C. L. 4973) Sec. 1. Provides that the Governor shall, with the consent of the Senate, appoint a Dairy and Food Commissioner every two years, and creates said office.

(C. L. 4974) Sec. 2. The Governor has power to remove such Commissioner, but his reasons therefor shall be laid before the Senate at the next special or regular session. In case of vacancy the Governor may appoint another person to fill same.

(C. L. 4975) Sec. 3. Provides oath of office for the Commissioner, with bond in the sum of \$10,000, to be approved by the Governor.

(C. L. 4976) Sec. 4. As amended, provides that the salaries authorized by this section shall be payable monthly on the warrant of the Auditor General. That the Commissioner's salary shall be \$2,000 per annum; the Deputy Commissioner's, \$1,500; and of each inspector not exceeding \$3 per day. To the above salaries are added necessary expenses. The Commissioner "is authorized and empowered," with the consent of the Governor, to appoint a Deputy Commissioner, to hold office during the Commissioner's pleasure. The Commissioner shall appoint clerks necessary, the aggregate of whose salaries shall not exceed \$2,000 per year. He may also appoint not to exceed six inspectors to hold office during his pleasure. Such inspectors have the same right of access to places to be inspected as the Commissioner or deputy. Provides for bonds in the sum of \$5,000 each for the Deputy Commissioner and inspectors for the performance of their respective duties. Provides for office room, neces-

sary furniture, fixtures, etc., for said Commissioner's business, and that said office shall remain in the city of Lansing.

Sec. 5. As amended, provides the Commissioner shall appoint a competent person to be State Analyst, who shall be a practical analytical chemist. Said Commissioner may appoint an assistant state analyst. Their term of office shall be at the pleasure of the Commissioner. Provides for a room in connection with the Dairy and Food Commission for the laboratory of the State Analyst and assistant. The salary of the chemist shall be \$1,800; the assistant chemist, \$1,000, and actual expenses in both cases in the performance of their duties. Provides an amount not exceeding \$500 for chemical supplies.

Sec. 6. It shall be the duty of the Dairy and Food Commissioner to inquire into the quality of dairy food and drink products, and articles which are foods or necessary constituents of foods, manufactured, sold, exposed or offered for sale in this state. He may procure samples and direct the State Analyst to make examination of same and report to the Commissioner the result thereof. If such article is adulterated, impure, unwholesome or made in contravention of this act the Commissioner shall make complaint against the manufacturer or vendor thereof and furnish evidence to obtain a conviction thereof in the proper county. When complaint is made by the Commissioner or his deputy security for costs shall not be required. They shall have power to enter any creamery, factory, store, salesroom, drug store or laboratory or place where they have reason to believe food or drink are made, prepared, sold or offered for sale, and open any cask, tub, jar, bottle or package containing any article of food or drink and examine the contents thereof and take samples for analysis. Such sample shall be taken in the presence of at least one witness, and in such presence be marked or sealed and the value thereof tendered to the person from whom taken with a written statement why said sample was taken.

Sec. 7. Provides that each prosecuting attorney shall render legal assistance to enforce these laws.

(C. L. 4980) Sec. 8. It is unlawful for the State Analyst to furnish any person a certificate as to the purity or excellence of any article of food product manufactured or sold by them.

Sec. 9. Provides that the Commissioner shall make a report to the Governor covering the doings of his office, showing the number of manufactories and other places inspected, the

USE GEHLERT'S PURE CIDER VINEGAR

MADE BY

BENTON FRUIT PRODUCTS CO.
BENTON HARBOR ✂ ✂ MICHIGAN

"ROYAL" SALAD DRESSING

"ROYAL" SALAD DRESSING is a *necessary luxury*. It is a *Luxury* on all kinds of salads, cold roast beef, and other cold meats, and all vegetable dishes when prepared directly for its use.

It is a *necessity* when it is found to be the very relish that is wanted, to make out of left-overs and odd ends of what have been expensive dishes, other dishes, which, with "ROYAL" SALAD DRESSING are more enjoyable than the first.

It is pretty nearly "*good on everything for everybody.*"

Windsor, Ont....

THE HORTON-CATO MFG. COMPANY

Detroit, Mich....

WE GUARANTEE

Our Vinegar to be an ABSOLUTELY PURE APPLE JUICE VINEGAR. To anyone who will analyze it and find any deleterious acids, or anything that is not produced from the apple, we will forfeit

ONE HUNDRED DOLLARS

We also guarantee it to be of full strength as required by law. We will prosecute any person found using our packages for cider or vinegar without first removing all traces of our brands therefrom.

ROBINSON CIDER & VINEGAR COMPANY
J. ROBINSON, Manager

BENTON HARBOR, MICH.

number of food articles analyzed and the state analyst's report upon each; number of complaints for violations of these laws; number of convictions; amount of fines imposed, and such recommendations relative to statutes in force as his experience may justify, provides for the printing and distributing to all the papers of the state, and persons interested, a monthly bulletin, containing results of inspection and analyses made by the State Analyst, and such other information relating to the adulteration of food and drink products as he may deem of benefit to the public. Also a summary of the work of his office, but not more than 10,000 copies of such bulletins shall be printed monthly.

(C. L. 4982) Sec. 10. Any person who hinders or obstructs the Commissioner or his deputy or person authorized by him in the performance of their duty shall be guilty of a misdemeanor and fined not less than \$10 nor more than \$100, or imprisoned not less than 10 nor more than 90 days, or both.

Sec. 11. As amended, appropriates \$25,000 for each fiscal year ending June 30th, for the Food Commission, out of which is to be paid salaries, expenses and chemical supplies. Expenses for stationery, printing, etc., to be paid as other state printing, etc.

(C. L., 4984) Sec. 12. The Auditor General is hereby directed to annually add to and incorporate into the State tax to be levied each year the sum of twenty-five thousand dollars, which when collected shall be credited to the general fund to reimburse the same for the money appropriated by this act.

Sec. 1. Act No. 167, 1899. Any person obstructing the Commissioner or his deputy or person authorized by him by refusing to allow them entrance to any place in the discharge of their official duties, or refusing to deliver to them a sufficient sample for analysis of any article of food or drink sold, offered or exposed for sale, or possessed with intent to sell, wherever same may be found, when value thereof is tendered, shall be guilty of a misdemeanor and fined not less than \$25 nor more than \$100, or imprisoned not less than 10 nor more than 90 days, or both, for each offense.

ADULTERATED FOOD.

(C. L. 5010) Sec. 1. No person shall within this state manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, any article of food which is adulterated within the meaning of this act.

(C. L. 5011) Sec. 2. The term "food," as used herein, shall include all articles used for food or drink, or intended to be eaten or drunk by man, whether simple, mixed or compound.

(C. L. 5012) Sec. 3. An article shall be

deemed to be adulterated within the meaning of this act: *First.* If any substance has been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity. *Second.* If any inferior or cheaper substance has been substituted wholly or in part for it. *Third.* If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. *Fourth.* If it is an imitation of, or sold under the name of another article. *Fifth.* If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal. *Sixth.* If it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if made to appear better or of greater value than it really is. *Seventh.* If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided,* That nothing in this act shall prevent the coloring of pure butter. *Provided further,* That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of food, if each and every package sold or offered for sale bear the name and address of the manufacturer and be distinctly labeled under its own distinctive name, and in a manner to plainly and correctly show that it is a mixture or compound, and is not in violation of definitions fourth and seventh of this section.

IMITATION BUTTER.

(C. L. 5013) Sec. 4. No person by himself or agent shall manufacture for sale, or offer or expose for sale, as butter, the legitimate product of the dairy, any article not made exclusively of milk or cream, into which the oil or fat of animals not produced from milk enters as a component part and has been introduced to take the place of cream. A violation hereof is punishable by a fine not less than \$50 nor more than \$500 and costs, or by imprisonment in the county jail or State House of Correction and Reformation not less than 90 days nor more than two years, or both.

CHEESE.

(C. L. 5014) Sec. 5. Prohibits the manufacturing or dealing in any article or substance resembling or in imitation of cheese made exclusively of unadulterated milk or cream, into which animal, intestinal or offal fats or oils, or melted butter in any condition or state, or oleaginous substance of any kind not produced from unadulterated milk or cream shall have been introduced. Imposes punishment for a violation hereof as in the last section.

(C. L. 5015) Sec. 6. Every manufacturer of full milk cheese may put a brand upon each

FOOTE & JENKS, Jackson, Mich., U.S.A.

MAKERS OF



PURE FLAVORING EXTRACTS



WE ARE THE ORIGINATORS OF SOLUBLE, TERPENELESS EXTRACT OF LEMON

Which we make in various strengths suitable for use of housewives and manufacturers, all consisting of the odorous, flavoring constituents of pure oil of lemon dissolved in dilute Alcohol and having the insoluble Terpenes removed by our purely mechanical process. All our citrus products are absolutely pure and unalterable.

FOOTE & JENKS.

ESTABLISHED 1872



To Those Buying Quality, Note!

Jennings' Terpeneless Extract Lemon

Is manufactured under an exact Proportionate Formula prepared expressly for us by Professor Albert B. Prescott, Director of the Chemical Laboratory of the University of Michigan.

Jennings Flavoring Extract Company,
19-21 South Ottawa St. - - Grand Rapids, Mich.

KINNEY CIDER AND VINEGAR CO.

PURE CIDER VINEGAR AND PICKLES

BENTON HARBOR



MICHIGAN

cheese, indicating "Full milk cheese." No person shall use such brand on cheese from milk from which any cream has been taken. Every cheese factory, creamery or butter factory, where milk or cream is purchased of or contributed by three or more persons shall be registered with the location thereof and name of the owner or manager with the Dairy and Food Commissioner on or before the 1st day of April each year. A violation hereof is punishable by fine of not less than \$5 nor more than \$25, and costs, or imprisonment not more than 30 days, or both.

(C. L. 5016) Sec. 7. Provides that the Commissioner shall issue to the cheese manufacturers of the state a uniform stencil brand, bearing a suitable device or motto, and the words "Michigan full cream cheese." Such brand shall be used on the outside of the cheese, and upon the package containing the same, and bear a separate number for each separate factory. The Commissioner shall keep a book in which shall be registered the name, location and number of each factory using said brand, and names of persons at each factory authorized to use same. No such brand shall be used on other than full cream cheese. The Commissioner shall receive \$1 for each registration for the party applying for same to be used as a part of the Pure Food Fund.

(C. L. 5017) Sec. 8. No person shall knowingly offer, sell or expose for sale, in any package, cheese which is falsely branded or labeled.

LARD.

(C. L. 5018) Sec. 9. No person shall manufacture for sale or possess with intent to sell, offer or expose for sale, as lard, any substance not the legitimate product of the fat of the hog.

(C. L. 5019) Sec. 10. Prohibits the manufacturing for sale, exposing for sale, or selling any substance made in semblance of lard, or as an imitation of lard, which consists of any mixture or compound of animal or vegetable oils, or fats other than hog fat, in the form of lard, unless every tierce, barrel, tub, pail or package containing same be distinctly branded or labeled "Lard substitute or compound," and every person manufacturing for sale, selling or possessing with intent to sell, any such substance in imitation of lard, or as a substitute for lard, designed to take the place of lard, consisting of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing same to be distinctly and legibly branded or labeled either "Adulterated lard," "Lard compound," or "Lard substitute." Such brands or letters shall be in letters not less than one inch in length and shall be followed with

the name of the maker and factory, and location of same.

(C. L. 5020) Sec. 11. Every person who offers or exposes for sale, or sells any form of lard substitute or adulterated lard as hereinbefore defined, shall securely affix or cause to be affixed to the package wherein same is contained, offered for sale or sold, a label, upon the outside and face of which is distinctly and legibly printed in letters not less than one-half inch in length the words "Lard substitute" or "Adulterated lard" or "Lard compound," or other appropriate name which shall correctly express its nature and use.

(C. L. 5021) Sec. 12. The possession of any lard substitute or adulterated lard or lard compound, as hereinbefore defined, not branded or labeled as required and directed, upon the part of any dealer or person engaged in public sale thereof, shall for the purpose of this act be deemed *prima facie* evidence of intent to sell same.

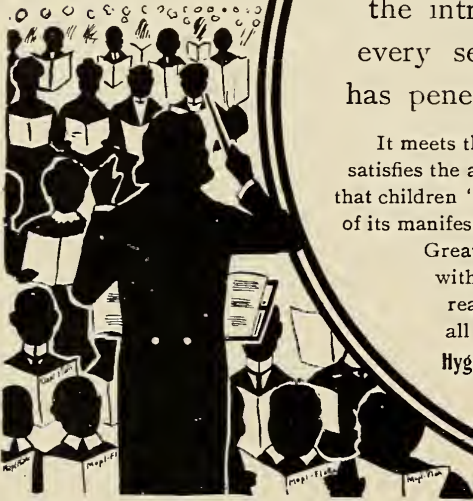
FRUIT, JELLIES, BUTTERS, ETC.

(C. L. 5022) Sec. 13. Prohibits the manufacture for sale, selling, offering or exposing for sale, as fruit jelly or fruit butter, any jelly or imitation fruit butter or similar compound made or composed in whole or in part of glucose, dextrine, starch, or other substances, and colored in imitation of fruit jelly or fruit butter; nor shall any such jelly, fruit butter or compound be manufactured or sold under any name or designation whatever unless the same shall be composed entirely of ingredients not injurious to health and not colored in imitation of fruit jelly, and every can, pail or package of such jelly or butter sold in this state shall be distinctly and durably labeled "Imitation fruit jelly or butter," with the place where made and name of manufacturer. A violation of this section is punishable by a fine of not less than \$50 nor more than \$500, or imprisonment not less than 90 days nor more than two years, or both.

PRESERVED FRUITS, ETC.

(C. L. 5023) Sec. 14. No packer or dealer in preserved or canned fruits, vegetables or other articles of food, shall sell or offer for sale such canned articles unless such articles shall be entirely free from substances or ingredients deleterious to health, and bear a mark, stamp, label or brand with the name and address of the person that packs same. All "soaked or bleached goods," or goods put up from products dried before canning, shall be plainly marked, branded, stamped or labeled as such, with the words "Soaked or bleached goods," in letters not less than two-line pica in size, showing the name of the article and name and address of the packer.

Mapl-Flake



A mighty chorus of approval has met the introduction of **Mapl-Flake** from every section of the country into which it has penetrated.

It meets the demand of the people for a real food—a food that satisfies the appetite and the needs of the body as well—a food that children “take to” by instinct, and grownups select by reason of its manifest superiority.

Great, crisp wheat flakes, deliciously flavored with pure maple syrup, steam-cooked and ready to eat. 15 cents a package, at all grocers.

Hygienic Food Co., Battle Creek, Mich., U. S. A.
Factories,
Battle Creek and Buffalo.

SOUTH HAVEN PRESERVING CO.

Manufacturers of Fruit Products, Canned Fruits, Fruit Syrups, Crushed Fruits and Preserves.

GUARANTEED PURE FOODS.

SOUTH HAVEN, : MICHIGAN.

COFFEE, SYRUP, ETC.

(C. L. 5024) Sec. 15. Prohibits the sale or offer for sale of manufactured or artificial coffee in imitation of the genuine berry. No person shall manufacture, sell, offer or expose for sale any ground or prepared coffee, which is adulterated with chicory or other substance not injurious to health, unless each package shall be distinctly labeled or marked "Coffee compound," with the name and address of the manufacturer, and contain no other label. No person shall offer or expose for sale, or possess with intent to sell, or sell any molasses, syrup or glucose, unless the barrel, cask, keg, can or pail containing same be distinctly branded or labeled with its true and appropriate name; nor shall any person offer or expose for sale, possess with intent to sell, or sell any molasses or syrup mixed with glucose, unless the barrel, cask, keg or pail containing same be distinctly branded or labeled "Glucose mixture," and the per cent in which glucose enters into its composition. Such barrel, cask, keg or pail shall be branded or labeled in a conspicuous place, and such brands or labels shall be in letters not less than one-half inch in length. Glucose and glucose mixtures shall have no other designation than herein required.

LIQUOR.

(C. L. 5025) Sec. 16. No person shall manufacture, brew, distil, offer for sale or sell any spirituous or fermented or malt liquors, containing any substance or ingredient not normal or healthful to exist in such liquors, or detrimental to health when such liquors are used as a beverage.

Sec. 17. The taking of orders or making of agreements or contracts for the future delivery of any of the articles embraced within the provisions of this act shall be deemed a sale within the meaning of this act.

LABELS.

Sec. 18. Whoever shall falsely brand, mark, stencil or label any article required by this act to be branded, marked, etc., or shall remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required, shall be deemed guilty of a misdemeanor, and punished by a fine not less than \$100 nor more than \$1,000, or imprisoned not less than six months nor more than three years, or both, for each offense.

Sec. 19. Whoever violates the provisions of this act shall be deemed guilty of a misdemeanor, and where no specific penalty is prescribed by this act punished by a fine of not less than \$25 nor more than \$500, or imprisoned not more than 90 days, or both.

Sec. 20. It shall be the duty of the Dairy and Food Commissioner of the state to investi-

gate all complaints of violations of this act, and take steps necessary to its enforcement. All prosecuting officers of the state shall prosecute to completion all suits brought under the provisions of this act upon complaint of Commissioner or any citizen. All food inspectors in cities shall examine all complaints made to them of violations of this act, and assist in enforcing its provisions. All health boards in cities and health officers in townships shall take cognizance of and report or prosecute all violations of this act coming to their notice within their jurisdiction.

Sec. 21. Repeals all acts inconsistent herewith.

BUCKWHEAT FLOUR.

AN ACT in relation to the manufacture and sale of buckwheat flour.

(Act No. 208, Public Acts, 1903.)

42. Section 1. *The People of the State of Michigan enact*, Within this State no person shall manufacture, offer for sale, keep in possession with intent to sell, or sell any ground buckwheat containing any product of wheat, corn, rice or other foreign substance, unless each and every package thereof be distinctly and legibly branded or labeled "Buckwheat Flour Compound" in letters not less than one-half inch in length and be followed with the name of the maker and factory and the location of such factory.

43. Sec. 2. Any brand or label herein required shall be an inseparable part of the general or distinguishing label, and such label shall be that principal and conspicuous sign under which it is sold, and any other label or printed matter upon the package shall not be in contravention of the requirements of this act.

44. Sec. 3. The having in possession of any buckwheat flour compound, which is not branded or labeled as hereinbefore required and directed upon the part of any person engaged in the public or private sale of such article, shall, for the purpose of this act, be deemed *prima facie* evidence of intent to sell the same.

45. Sec. 4. The taking of orders or the making of agreements or contract by any person, firm or corporation or by any agent or representative thereof, for the future delivery of buckwheat flour compound shall be deemed a sale within the meaning of this act.

46. Sec. 5. Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of the provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a

period of not less than thirty nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

47. Sec. 6. Act number eighty-four of the public acts of eighteen hundred ninety-seven, entitled "An act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of buckwheat flour," being sections four thousand nine hundred ninety-four to five thousand two, both inclusive, of the Compiled Laws of one thousand eight hundred ninety-seven is hereby repealed.

VINEGAR.

(C. L. 5003) Sec. 1. Prohibits the manufacture, sale, offer or exposing for sale or possessing with intent to sell or deliver any vinegar not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard or cider vinegar which is not the legitimate product of pure apple juice known as apple cider or vinegar, not made exclusively of apple cider or vinegar, into which foreign substance, drugs or acids have been introduced, and upon test shall contain not less than $1\frac{3}{4}$ per cent by weight of cider vinegar solids upon full evaporation at the temperature of boiling water.

Sec. 2. All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar" with the name of the fruit or substance from which same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and such vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. All fermented vinegar not distilled shall contain not less than $1\frac{3}{4}$ per cent by weight upon full evaporation (at the temperature of boiling water) of solids, contained in the fruit or grain from which said vinegar is fermented, and shall contain not less than two and one-half tenths of 1 per cent ash or mineral matter, same being the product of the material from which said vinegar is manufactured. All vinegar shall be made wholly from the fruit or grain from which it purports to be made, and contain no foreign substance, and contain not less than 4 per cent by weight of absolute acetic acid.

Sec. 3. No person shall manufacture for sale, offer for sale or possess with intent to sell any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or ingredients injurious to health. All packages containing vinegar shall be marked, stenciled or branded on the head of the cask, barrel or keg containing such vinegar with the name and residence

of the manufacturer together with brand required in section 2 hereof.

Sec. 4. A violation of this act is punishable by fine not less than \$50 nor more than \$100 or imprisonment not to exceed 90 days and costs, or both.

Sec. 5. Repeals all acts inconsistent herewith.

MILK.

(C. L. 11411) Sec. 1. Provides whoever shall knowingly sell to any person or sell or bring to be manufactured to any cheese or butter factory, any milk diluted with water or in any way adulterated or from which any cream has been taken or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strippings" with intent to defraud, or knowingly sell milk, the product of a sick or a diseased animal, or milk produced from any cow fed upon the refuse of a distillery or brewery, or upon any substance deleterious to the quality of the milk or knowingly use any poisonous or deleterious material in the manufacture of cheese or butter, or sell or offer to sell cheese or butter in the manufacture of which any poisonous or deleterious substance has been used shall be deemed guilty of a misdemeanor and fined not less than \$10 nor more than \$100, and may be committed to the county jail until such fine shall be paid: *Provided*, such imprisonment shall not exceed 90 days; and shall be liable in double the amount of damages to the person upon whom such fraud shall have been committed. Repeals an act entitled "an act to prevent the adulteration of milk and etc.," approved March 31st, 1871. Provided, any right accrued or forfeiture incurred under said act shall remain valid and may be enforced under said act.

(C. L. 11412) Sec. 1. It shall be unlawful for any person to sell or expose for sale any unwholesome, watered, adulterated or impure milk, or sweet milk, or milk from cows kept upon garbage, swill, or any substance in a state of fermentation or putrefaction or other deleterious substance or from cows kept in connection with any family in which there are infectious diseases. The addition of water or ice to milk is an adulteration.

Sec. 2. A violation of the preceding section is punishable by fine not to exceed \$100 or imprisonment not to exceed three months, or both.

(C. L. 11417) Sec. 6. Every quantity of milk sold or exposed for sale contrary to the provisions of this act shall constitute a separate offense.

Sec. 7. Any person refusing to permit an inspector or his assistants to perform his duty under this act by refusing him entrance to his premises or by concealing milk or not permit-

ting any milk or animals or premises wherein animals are kept to be inspected as herein provided or otherwise resisting said inspector or assistant in the performance of his duty shall be guilty of a misdemeanor and punished therefor.

Sec. 8. Gives authority to the Common Council of any city and the Board of Trustees or Council of any village to appoint an inspector of milk in any such city or village and fix their compensation. Said inspectors shall have all powers given by section 4 of this act and perform all duties required of inspectors of milk as provided herein and such other powers and duties as may be conferred or imposed by the ordinances of said cities or villages.

Sec. 9. Prohibits the adulteration, sale or exchange, exposure or possession with intent to sell or exchange adulterated milk or milk to which water or any foreign substance in any state of fermentation or putrefaction or from sick or diseased cows. Such offense is a misdemeanor, punishable by a fine not exceeding \$100 or imprisonment not exceeding three (3) months.

Sec. 10. Prohibits the adulteration, sale, exchange or possession with intent to sell or exchange or exposing or offering for sale as pure milk, any skimmed milk from which the cream or any part thereof has been removed. Such offense is a misdemeanor punishable as in the preceding section.

Sec. 11. Prohibits the sale, exchange, or possession with intent to sell or exchange milk from which the cream or any part thereof has been taken, unless in a conspicuous place above the center upon the outside of every vessel, can or package from which such milk is sold the words "skimmed milk" are distinctly painted in letters not less than one inch in length. A violation hereof is a misdemeanor, punishable by fine not exceeding \$100 or imprisonment not exceeding three (3) months.

Sec. 12. Any milk sold or offered for sale under the provisions of this act as pure milk shown upon analysis by weight to contain more than 87 and fifty one-hundredths per centum of watery fluid or less than 12 and fifty one-hundredths of milk solids per centum, or less fat than 3 per centum, or if the specific gravity at 60 degrees Fahrenheit is not between 1.29-1000 to 1.33-1000, it shall be deemed to be adulterated. If milk sold or offered for sale under the provisions of this act as skimmed milk has a specific gravity at 60 degrees Fahrenheit less than 1.032, and greater than 1.037, it shall be deemed to be adulterated.

Sec. 13. If any inspector of milk has reason to believe any milk is adulterated, he shall take specimens thereof and test same with such in-

struments as are used for such purposes, and make analysis thereof, showing total solids, percentage of butter, water and the percentage of ash; and if such analysis indicates that the milk has been adulterated or deprived of its cream, the same shall be *prima facie* evidence of such adulteration.

Sec. 14. Any person removing the cream or any part thereof from milk to be sold as pure milk to any manufactory in which milk is used as a material in the process of production; and any person who shall adulterate such milk by the addition of water or otherwise shall be guilty of a misdemeanor and punished for each offense by fine not exceeding \$100 or imprisonment not exceeding 90 days.

ACT NO. 106, LAWS OF 1899.

Section 1. No person shall offer, expose for sale, sell, exchange or possess with intent to sell or exchange any milk to which water, chemicals preservatives, or other foreign substance has been added. The term "milk" shall include all skimmed milk, buttermilk, cream and milk in its natural state as drawn from the cow.

Sec. 2. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and punished by a fine of not less than \$1 nor more than \$100 and costs, or by imprisonment not more than 90 days, or both.

OLEOMARGARINE.

(Act No. 147, Laws of 1899.)

Section 1. No person shall sell, expose, or offer for sale or possess with intent to sell any Oleomargarine or other substance made in imitation of butter which is intended to be used as a substitute for butter, unless each and every vessel, package, roll, or parcel of such substance has distinctly and durably printed, stamped or stenciled thereon in black letters the true name of such substance in ordinary bold faced capital letters not less than 5 line pica in size; also the name and address of the manufacturer and the name of each article or ingredient used or entering into the composition of such substance, in ordinary bold faced letters not less than pica in size.

Sec. 2. No person shall sell, exchange or deliver any Oleomargarine or substance made in imitation of butter which is intended to be used as a substitute for butter unless he shall distinctly inform the purchaser by a verbal notice at the time of sale, that the same is a substitute for butter and also deliver to the purchaser of each roll, package or parcel of such Oleomargarine or other substance at the time of delivering the same, a separate and distinct label on which is plainly and legibly printed in black ink in ordinary bold faced capital letters

not less than 5 line pica in size the true name of such substance and also the name and address of the manufacturer, together with the name of each article used and entering into the composition of such substance, in ordinary bold faced letters not less than pica in size.

Sec. 3. The proprietor or keeper of any store, hotel, restaurant, eating saloons, boarding house or other place where Oleomargarine is sold or furnished to persons paying for same, shall have placed on the walls of every room where Oleomargarine is sold or furnished a white placard on which is printed in black ink in plain Roman letters not less than 3 inches in length and 2 inches in width the words "OLEOMARGARINE SOLD OR USED HERE," and shall at all times keep the same exposed in such conspicuous place as to be readily seen by all persons entering such room.

Sec. 4. No person shall use in any way in connection with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery," or "dairy," or the name or representation of any breed of dairy cattle or any combination of such words commonly used in the sale of butter.

Sec. 5. The word "butter" shall be understood to mean the food product usually known as butter, which is made exclusively from milk or cream, or both, with or without any salt, and with or without additional coloring matter.

Sec. 6. For the purpose of this act, all substances heretofore known as Oleomargarine, Oleo, oleomargarine oil, butterine, lardine, suine and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral, all lard extracts and tallow extracts, and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, butterine, lardine, suine and neutral, and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, intestinal fat, and offal fat, made in imitation of butter, calculated to be sold or used as butter shall be known and designated as "OLEOMARGARINE."

Sec. 7. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and punished by a fine not less than \$50 nor more than \$500 or imprisonment not less than six months nor more than three (3) years, or both.

All acts inconsistent herewith are repealed.

IMITATION BUTTER.

Act No. 22, Public Acts, 1901.

Section 1. No person shall render or manufacture, sell or possess with intent to sell, any article, product or compound made wholly or in

part out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream; *Provided*, That nothing in this act shall prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Sec. 2. A violation of this act is punishable as a misdemeanor by a fine of not less than \$50 nor more than \$500, or imprisonment not less than 6 months nor more than 3 years, or both.

RENOVATED BUTTER.

AN ACT in relation to the manufacture and sale of renovated butter.

(Act No. 243, Public Acts, 1903.)

§9. Section 1. The People of the State of Michigan enact, No person, firm or corporation shall manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession with the intent to sell, exchange or deliver, any butter that is produced by taking original packing stock butter or other butter, or both, melting the same so that the butter fat can be drawn off or extracted, mixing the said butter fat with skimmed milk, or milk or cream, or other milk product, and rechurning or reworking the said mixture; nor shall any person, firm or corporation manufacture for sale, offer or expose for sale, exchange or deliver, or have in his possession for any such purpose any butter which has been subjected to any process by which it is melted, clarified or refined, and made to resemble butter, and is commonly known as boiled, process or renovated butter, and which for the purpose of this act is hereby designated as "Renovated Butter," unless the same shall be branded or marked as provided in section two of this act.

§10. Sec. 2. Whoever, himself or by his agent, or as the servant or agent of another person shall sell, expose for sale or have in his custody or possession with the intent to sell any "Renovated Butter," as defined in section one of this act, shall have the words "Renovated Butter" conspicuously stamped, labeled or marked in one or two lines and in plain gothic letters, at least three-eighths of an inch square, so that the words cannot be easily defaced, upon two sides of each and every tub, firkin, box or package containing said "Renovated Butter;" or, if such butter is exposed for sale uncovered, or not in a case or package, a placard containing said words in the same form as above described in this section shall be attached to the mass in such a manner as to be

easily seen and read by the purchaser. When "Renovated Butter" is sold from such package or otherwise at retail, in print, roll or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the words "Renovated Butter" printed or stamped thereon in one or two lines, and in plain gothic letters at least three-eighths of an inch square, and such wrapper shall contain no other words or printing thereon, and said words "Renovated Butter" so stamped or printed on the said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.

81. Sec. 3. Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or Michigan Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

82. Sec. 4. Act number two hundred fifty-four of the public acts of eighteen hundred ninety-nine, entitled "An act to regulate the sale of butter produced by taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process and commonly known as 'process' butter; providing for the enforcement thereof, and punishment for the violation of the same," is hereby repealed.

CANDY.

Act. No. 11, Laws of 1887.

(C. L. 11409) Sec. 1. Any person manufacturing for sale, or knowingly selling or offering to sell candies or confectionaries adulterated by the admixture of terra alba, barytes, talc, or other earthly mineral substances, or poisonous colors, flavors or extracts, or other ingredients deleterious to health, shall be punished by a fine of not less than \$10 nor more than \$100, or imprisoned not less than 10 nor more than 30 days, or both.

Sec. 2. Local health officers and boards of health shall investigate complaints brought before them supported by affidavit of the party complaining of adulteration or sale of adulterated candies or confectionaries. If such investigation show reasonable cause for action, such officers or boards shall give notice to the prosecuting attorney of the county wherein complaint is made, and cause a formal complaint,

duly verified, to be made before the proper officer, and said attorney shall immediately commence proceedings against the person offending.

LIQUORS.

Extract from Act No. 313, Laws of 1887.

(C. L. 5403) Sec. 25. If any person shall adulterate any spirituous or alcoholic liquors used or intended for drink by mixing the same in the manufacture or preparation thereof, or by process of rectifying, or otherwise, with any deleterious drug, substance, or liquid, poisonous or injurious to health, except as hereinafter provided, or if any person shall sell, or offer to sell any wine, or spirituous, or alcoholic liquors, or import into this state any wine or spirituous or intoxicating liquors, and shall sell or offer to sell any spirituous or intoxicating liquors from any barrel, cask or vessel containing same, not branded as hereinafter provided, shall be guilty of a misdemeanor and punished by a fine of not exceeding \$500 nor less than \$50, and shall be imprisoned not more than six months nor less than 10 days.

Sec. 26. It shall be the duty of every person engaged in the manufacture and sale of malt, spirituous or alcoholic liquors, or in rectifying or preparing the same, to brand on each barrel, cask, or vessel containing same, the name of the party rectifying or preparing or manufacturing same, and also these words, "Pure and without drugs or poison."

Sec. 27. No person shall sell at wholesale or retail any ale, rum, wine, or other malt or spirituous liquors from any barrel, cask or vessel unless the same shall have been branded and marked as aforesaid.

Sec. 28. The possession of any barrel, cask or vessel containing any drugged or poisoned liquor, shall be deemed *prima facie* evidence of a violation of the provisions of this act.

Sec. 29. Any person who shall put into any barrel, cask or vessel, branded or marked as required by this act, any liquors drugged or adulterated as aforesaid, or sell or offer for sale any such liquors, for the purpose of deceiving any person in the sale thereof, or violate any of the provisions of sections 26, 27 or 28 of this act, shall be guilty of a misdemeanor and punished as provided in section 25 of this act.

Sec. 30. The provisions of this act shall not be construed to prevent druggists, physicians and persons engaged in the mechanical arts from compounding liquors for medicinal and mechanical purposes.

BLACK PEPPER.

AN ACT PASSED AT THE LAST LEGISLATURE.

Section 1. No person shall manufacture, offer or expose for sale, or possess with intent to

sell, any ground or whole black pepper containing any foreign substance whatever. All black pepper shall contain not more than $6\frac{1}{2}$ per cent ash or mineral matter; and shall contain not less than 25 per cent starch as determined by the diastase method; and shall contain not less than six-tenths of one per cent nor more than one and three-fourths per cent of volatile ether extract; and shall contain not more than ten per cent nor less than six and one-half per cent of non-volatile ether extract; and shall contain not more than sixteen per cent of crude fibre.

Sec. 2. A violation of this act is a misdemeanor, punishable by a fine of not less than \$25 nor more than \$500 and costs, or imprisonment not more than 90 days, or both.

CORN SYRUP.

AN ACT in relation to the sale of corn syrup.
(Act No. 123, Public Acts, 1903.)

93. Section 1. *The People of the State of Michigan enact*, No person shall offer or expose for sale, have in his possession with intent to sell, or sell, any cane syrup, beet syrup, or glucose, unless the barrel, cask, keg, can, pail or package containing the same be distinctly branded or labeled with the true and appropriate name; nor shall any person offer or expose for sale, have in his possession with intent to sell, or sell any cane syrup or beet syrup mixed with glucose unless the barrel, cask, keg, can, pail or package containing the same be distinctly branded or labeled "Glucose Mixture" or "Corn Syrup" in plain gothic type not less than three-eighths of an inch square, with the name and percentage by weight of each ingredient contained therein plainly stamped, branded or stenciled on each package in plain Gothic letters not less than one-quarter of an inch square. Each and every package of syrup either simple or mixed shall bear the name and address of the manufacturer. Such mixtures or syrups shall have no other designation or brand than herein required that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and that the general or distinguishing label shall be that principal and conspicuous sign under which it is sold.

94. Sec. 2. Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violate any of the provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than

ninety days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

DIGEST AND RULINGS.

The following is but a brief synopsis of the Dairy and Food Laws. The Digest and Rulings cover but a portion of the food and drink products affected by the statutes. Every article of food and drink comes within the law's regulation, and dealers are advised to examine the laws carefully and inform themselves fully.

IN GENERAL.

No person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, any article of food or drink which is adulterated.

The taking of orders, or the making of agreements or contracts, by any person, firm, or corporation, or by any agent or representative thereof, for the future delivery of any of the articles, products, goods, wares or merchandise embraced within the provisions of this act is deemed a sale.

Under this statute a dealer is liable for selling an adulterated article, although he may have no knowledge that the same is adulterated.

A guarantee of purity received from the manufacturer or jobber does not relieve a person handling adulterated goods from liability.

BAKING POWDERS.—All packages containing same must bear name and address of the manufacturer. Can be sold without formula, but if labeled cream of tartar, phosphate powder, etc., must be true to name.

BUCKWHEAT FLOUR.—If labeled "Buckwheat Flour" must be true to name. Can be mixed with substances not injurious to health if labeled "Buckwheat Flour Compound" in letters not less than one-half inch in length followed with the name of the maker and factory and the location of such factory. Any other label or printed matter upon the package shall not be in contravention of the above requirements.

BUTTER.—Must be made exclusively of milk or cream. May be colored with coloring matter not injurious to health. Butter factories where milk or cream is purchased of or contributed by three or more persons must register with the department on or before April 1 of each year.

Renovated butter must be labeled as such. See ruling under head of Renovated Butter.

CANDY.—Must not contain terra alba, barytes, talc, or other earthy or mineral substances, or any poisonous colors or flavors, or ingredients detrimental to health.

CATSUP.—All packages containing same must bear the name and address of the manufacturer. Must contain no ingredients injurious to health.

CHEESE.—Must be made exclusively of milk or cream. Only cheese made from milk from which no cream has been taken can be sold as or branded "Full Cream Cheese," or "Full Milk Cheese." Cheese factories where milk or cheese is purchased of or contributed by three or more persons must register with the department on or before April 1 of each year. Authorized brands bearing the words "Michigan Full Cream Cheese" may be obtained from the department upon payment of fee of one dollar.

COFFEE.—If sold as such must be true to name. May be mixed with chicory, or other substances not injurious to health, if marked or labeled "Coffee Compound," together with the name and address of the manufacturer or compounder, and have no other label of whatever name or designation. This applies to all packages containing such coffee whether put up for immediate delivery or for stock purposes.

COFFEE SUBSTITUTE.—Mixtures of cereals or other articles sold as substitute for coffee, must be sold as a mixture or compound under an original or coin name and not under the name of any ingredient contained therein. All packages containing same must bear the name and address of the manufacturer or compounder thereof.

CANNED GOODS.—Must bear name and address of packer. If dried before canning must be labeled "Soaked or Bleached Goods" in letters not less than two line pica in size. The sale of peas or other vegetables greened with copper is prohibited.

CREAM OF TARTAR.—Must be pure and true to name. Cannot be mixed or compounded with any other article and sold under the name of any ingredient thereof, even though it be labeled mixture or compound.

EXTRACTS, FLAVORING.—Bottles or packages containing extracts must bear the name and address of the manufacturer. Vanilla flavoring must be without artificial color. This includes all extracts of vanilla or tonka, whether mixed or simple.

Extracts made of more than one principle must be labeled with the name of each principle, or simply with the name of the inferior or adulterant. For example: An extract made from vanilla and tonka must be labeled "Extract of Vanilla and Tonka," or simply "Extract of Tonka." The labeling of an extract of vanilla and tonka as "Extract of Vanilla," or "Compound Extract of Vanilla" with the per cent of each ingredient contained therein, is not proper, and will be considered an adultera-

tion. In all cases, it is understood that when an extract is labeled with two or more names, the type used is to be similar in size, and the name of one of the articles used is not to be given greater prominence than another. Extracts that are not made from the fruit, berry or bean, and are made artificially, such as raspberry, strawberry, pineapple, banana, etc., containing ingredients injurious to health, are prohibited.

FARINACEOUS GOODS.—Must be true to name. Barley, hominy, cracked or rolled wheat or oats, tapioca, and like articles, must be pure and unadulterated. If mixed or compounded with other articles, must be sold as a mixture or compound, under an original coin name, and not under the name of any ingredient contained therein. All packages containing mixtures or compounds of this kind must bear the name and address of the manufacturer or compounder thereof.

HONEY.—Must be pure. Cannot be mixed with glucose or other substances and sold as "Honey Compound."

JELLY.—Imitation fruit jellies, butter or other similar compounds made or composed in whole or in part of glucose, dextrine, starch or other substance, can be sold if uncolored, are not injurious, and are distinctly and durably labeled "Imitation Fruit Jelly or Butter," with the name and location of the manufacturer, and have no other label of whatever name.

LARD.—Imitation lard in manufacturers' package must be distinctly branded or labeled either "Lard Compound," "Adulterated Lard" or "Lard Substitute," printed in letters not less than one inch in length. This also applies to smaller quantities when put up for immediate delivery.

LIQUORS.—Spirituos, fermented, or malt liquors must not contain drugs or ingredients deleterious to health. Persons engaged in manufacturing, rectifying or preparing same in any way must brand on each barrel, cask or vessel containing same, the name of the person, firm or corporation manufacturing, rectifying or preparing the same, and also the words, "Pure and Without Drugs or Poison." No person shall sell at wholesale or retail any such liquors from any barrel, cask or vessel, unless the same shall have been branded and marked as aforesaid.

MAPLE SUGAR AND MAPLE SYRUP.—Must be pure and true to name. Cannot be mixed with other sugar or syrup and sold as "Maple Sugar Compound."

MILK.—Must contain not less than 3 per cent fat and 12½ per cent solids. Milk from which cream has been removed must be labeled and sold as "Skim Milk." The sale of milk which

is impure, unwholesome or adulterated, or from cows which are diseased, or fed upon the refuse of a distillery or brewery, or upon any substance deleterious to the quality of the milk, such as garbage, swill or any substance in a state of fermentation or putrefaction, or from cows kept in connection with a family in which there is infectious disease, is prohibited. The addition of coloring matter or preservatives to milk is prohibited.

MOLASSES.—Must be branded with its true and appropriate name, and must be true to same. (See syrup.)

OLEOMARGARINE.—All compounds of animal or vegetable fats made in imitation or semblance of butter, or calculated to be used as or for butter, must be known and designated as "Oleomargarine."

The use of the name of any breed of dairy cattle, or the use of any words or symbols commonly used in the sale of butter, is forbidden in the sale, exposure for sale or advertisement of any oleomargarine.

Proprietors of any place where oleomargarine is sold or furnished must have conspicuously placed on the walls of the room where the same is sold or furnished, a white placard containing the words, "Oleomargarine Sold or Used Here," printed in black ink in plain Roman letters, not less than three inches in length or less than two inches in width. This applies to hotel, restaurant and boarding house keepers where oleomargarine is served.

All packages containing oleomargarine must be branded as such in ordinary bold-faced capital letters not less than five line pica in size, together with the name and address of the manufacturer and the name of each and every article or ingredient used or entering into its composition in ordinary bold-faced letters not less than pica in size.

Dealers must notify purchasers at the time of selling oleomargarine by verbal notice that the same is a substitute for butter, and must also deliver to the purchaser a separate and distinct label on which shall be printed in black ink in ordinary bold faced capital letters, not less than five line pica in size, the word "Oleomargarine," together with the name and address of the manufacturer and the name of each article used and entering into its composition in ordinary bold faced letters not less than pica in size. This label must be delivered in addition to the label contained on the package in which said oleomargarine is wrapped for sale.

Oleomargarine must not contain artificial coloring matter.

PANCAKE FLOURS.—If containing more than one article must be sold as a mixture or compound under an original or coin name, and not

under the name of any ingredient contained therein. Packages containing same must bear the name and address of the manufacturer or compounder.

PREPARED MUSTARD.—Pure mustard mixed with vinegar and spices may be sold if labeled "Prepared Mustard" and bear the name and address of the manufacturer, but if any substance or substances are added to cheapen it, such as flour, etc., it will be deemed adulterated. The label proper must contain the words "Prepared Mustard," and have no other designation than herein required. Printed matter descriptive of the goods will be allowed upon the label below the words "Prepared Mustard," or below the name and address of the manufacturer, but no printed matter of any description will be allowed above the name "Prepared Mustard."

RENOVATED BUTTER.—All packages containing same sold, offered or exposed for sale, or in possession with intent to sell, must be labeled "Renovated Butter."

Packages put up for immediate delivery must be covered by wrappers on which must be printed in conspicuous letters the words "Process Butter."

If packed in tubs or other receptacle the words "Process Butter" must be printed in one-inch letters on the top and two sides of the same.

If uncovered and not contained in a tub or receptacle a placard containing the words "Process Butter" must be attached to the mass, in a manner making them plain and prominent.

SACCHARINE.—The use of saccharine in all food products is prohibited.

SYRUP.—Syrup mixed with glucose must be distinctly branded or labeled "Glucose Mixture" or "Corn Syrup" in plain Gothic type not less than three-eighths of an inch square. It shall also have the name and percentage by weight of each ingredient contained therein plainly stamped, branded or stenciled on each package in plain Gothic letters not less than one-fourth of an inch square. Every package of syrup either simple or mixed shall bear the name and address of the manufacturer. It shall have no other designation or brand that represents or is the name of any article which contains a saccharine substance and all brands or labels shall be an inseparable part of the general or distinguishing label, which shall be that principal and conspicuous sign under which it is sold.

SPICES.—Must be pure and true to name. Cannot be mixed or compounded with any other article and sold under the name of any in-

redient thereof, even though the package be labeled mixture or compound.

SWEET CHOCOLATES AND SWEET COCOAS.—If containing no other substances than cocoa mass, and not to exceed 60 per cent of sugar and flavoring, will not be classed as a compound or mixture.

VINEGARS.—All packages containing vinegar must be branded with the name and address of the manufacturer. All vinegars must contain not less than four per cent by weight of absolute acetic acid and must not contain any preparation of lead, copper, sulphuric acid, or ingredient injurious to health. All vinegars made by fermentation and oxidation must be branded "fermented vinegar," with the name of the

fruit or substance from which the same is made, must be free from foreign substance and must contain not less than one and three-fourths per cent by weight of solids contained in the fruit or grain from which said vinegar is fermented, and not less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor must be branded "distilled vinegar," and must be free from artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substance, drugs or acids, and containing not less than one and three-fourths per cent by weight of cider vinegar solids, can be sold as apple, orchard or cider vinegar.

DECISIONS OF THE SUPREME COURT OF MICHIGAN ON FOOD LAWS.

ADULTERATION. KNOWLEDGE. Persons making sales of adulterated food, which is prohibited by statute to be sold, do so at their peril. It is within the valid exercise of the police power of a state to enforce a penalty for the sale of adulterated articles of food or drink, even though the seller has no knowledge of the adulteration. *People vs. Snowberger*, 113 Mich. 86.

ADULTERATED JELLY. Defendant, being a salesman, was prosecuted for selling adulterated jelly under the act of 1895 amended by 1897 and 1899 No. 117. The evidence showed that he obtained an order for pure fruit jelly, which he wrote down as "pure fruit jelly," and sent it to his house, having no further connection with deal. The house sent adulterated jelly labeled "Pure Fruit Jelly." It was held that the defendant could not be convicted of selling adulterated jelly. *People vs. Skillman*, 8 Detroit L. N. (Mich.) 1090.

BACON. LIABILITY OF SELLER. In an action to recover damages for injuries arising from eating a piece of spoiled bacon sold by the defendant, it was not error not to permit the defendant's employe to testify that the bacon was prepared for sale about the time of the plaintiff's purchase. That it is a question for the jury whether the plaintiff was guilty of contributory negligence in eating the bacon after he smelled peculiar odors arising from it; and whether the defendant was so careless in seeing that the bacon sold was fit for food that he should be held liable for his own act or those of his servants. *Craft vs. Parker, Webb & Co.*, 96 Mich. 245.

VINEGAR. SAMPLES. KNOWLEDGE. It is held that a person prosecuted for selling vinegar not up to the legal standard is not entitled to have the prosecution give him a sample of

the vinegar. He cannot complain that he could not get a sample for analysis if he was not stopped from doing so by any person interested in the prosecution of the suit.

Lack of knowledge that the vinegar was not up to the standard prescribed is no defense. *People vs. Worden Grocery Company*, 118 Mich. 604.

VINEGAR. It is held under the Pub. Acts of 1889, No. 224, which forbid the sale of cider vinegar containing less than one and three-fourths per centum of cider vinegar solids and prescribing that fermented vinegar shall have in addition to such per centum of solids contained in the fruit or grain from which it is made, two and one-half tenths of one per centum ash or mineral matter, are construed to mean that all fermented vinegar shall be of said standard, whether made from grain or fruit. *People vs. Worden Grocer Company*, 118 Mich. 604.

MILK. EXPERTS. In an action for damages for the adulteration of milk furnished under a contract, where an expert testified as to the results of his analysis of the samples of the milk, the defendant might on cross-examination ask for the results of the analysis of other samples furnished by the plaintiff. *Michigan Condensed Milk Co. vs. Wilcox*, 78 Mich. 431.

CHEESE. Under the law which forbids any person from knowingly offering for sale cheese which is labeled falsely, in which knowledge is made an element of the offense, it is held that knowledge need not be proven to sustain a conviction of a person for selling adulterated food. *People vs. Snowberger*, 113 Mich. 86.

COLORING MATTER. Where the coloring matter used is not deleterious and is not used for the purpose of fraud and deception it does

not come under the provisions of "an act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drink." *Grosvenor vs. Duffey*, (Mich.) 80 N. W. 19.

OLEOMARGARINE AND OTHER IMITATIONS OF DAIRY PRODUCTS. The phrase "yellow butter" as used in Act. No. 22, Acts 1901, making it an offense to sell or offer for sale, oleomargarine colored in imitation of "yellow butter" made from pure milk or cream of the same, means any butter produced from pure milk or cream thereof having a "perceptible shade" of yellow. *People vs. Phillips*, 91 N. W. 616.

The pure food laws of 1895 (Pub. Acts 1895, p. 358, No. 193) is not intended to prevent manufacturers of articles of food from improving the same, so long as no infringement of the law or the spirit of the act defining adulterations takes place. *People vs. Jennings*, 94 N. W. 216.

Comp. Laws No. 5012, declaring that an article shall be deemed adulterated, "sixth, if it is colored * * * whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is," does not preclude the use of coloring matter in lemon extract. *People vs. Jennings*, 94 N. W. 216.

The provisions of Comp. Laws No. 5012 that an article shall be deemed adulterated, "second, if any inferior or cheaper substance or substances have been substituted wholly or in part

for it; third, if any valuable or necessary constituent or ingredient has been wholly or in part extracted from it," should be read together, and the provision first recited construed as prohibiting the substitution for an essential ingredient of any cheaper or inferior substances. *People vs. Jennings*, 49 N. W. 216.

There having not been incorporated into the pure food law of 1895 (Pub. Acts 1895, p. 358, No. 193) any specific formula for the manufacture of lemon extract, it is proper to resort to the United States Pharmacopoeia formula to determine of what lemon extract consists. *People vs. Jennings*, 49 N. W. 216.

Public Acts 1901, p. 37, No. 22, §1, making it an offense to manufacture or sell any product made wholly or in part of any fat not produced from unadulterated milk or cream, which shall be in imitation of yellow butter, provided the act shall not be construed to prohibit the manufacture or sale of oleomargarine free from coloration or ingredient that causes it to look like butter, does not prevent the manufacture and sale of an article the ingredients of which themselves naturally produce the yellow color. *Bennett vs. Carr*, 96 N. W. 26.

The coloration of "Extract of Vanilla" with any substance to give it the appearance of greater strength is a violation of the pure food law, even though such coloring matter is harmless. (Mich.) *People vs. Hinshaw*, (Detroit Legal News).

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LANSING, MICHIGAN

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Minnesota Dairy and Food Commissioner.



GEO. L. DINGMAN,
Assistant Minnesota Dairy and Food
Commissioner.



W. W. WALL,
Secretary Minnesota Dairy and Food
Commission.



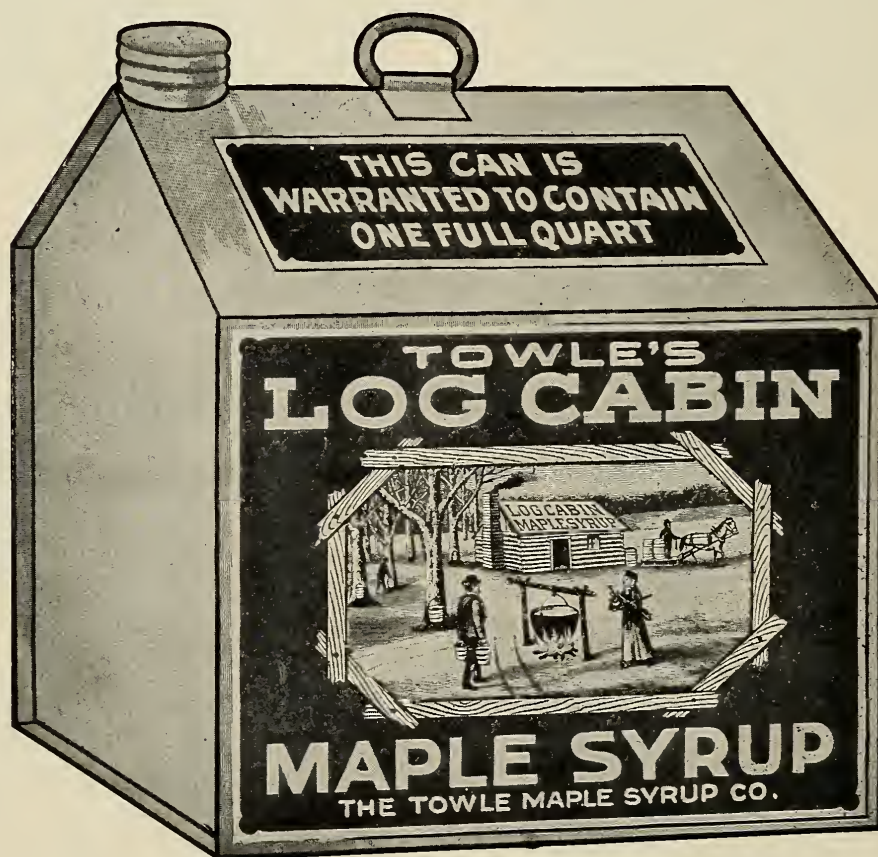
JULIUS HORTVET,
Chemist Minnesota Dairy and Food
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THE TOWLE MAPLE SYRUP CO.

PURE FOOD LAWS OF MINNESOTA.

In the state of Minnesota the inspection of articles of food, and food supplies, is committed to a State Dairy and Food Commission. The staff of the State Dairy and Food Commission is composed of the following members:

W. W. P. McConnell, Commissioner.
 George L. Dingman, Assistant Commissioner.
 W. W. Wall, Secretary.
 Julius Hortvet, Chemist.
 F. W. Bedford, Assistant Chemist.
 Miss M. E. Murphy, Stenographer.
 Creamery Experts.—B. D. White, Experimental Station; Edward K. Slater, Fairmount.
 Cheese Inspector.—H. E. Vroman, Kasson.
 Creamery and Food Inspectors.—A. W. Trow, F. Shrewsbury.
 Herd and Barn Inspector.—Geo. H. Staples.
 Dairy and Food Inspector.—S. B. Scott, Otto Gafvert.
 Food Inspectors.—Charles Rouleau, J. G. Fowler.

GENERAL ACT BY WHICH THE DAIRY AND FOOD DEPARTMENT WAS CREATED.

Chapter 155.

Section 1. The governor shall appoint a commissioner who shall be known as the state dairy and food commissioner, who shall be a citizen of this state and who shall hold his office for a term of two (2) years, or until his successor is appointed, and who shall receive a salary of two thousand (2,000) dollars per annum and his necessary expenses incurred in the discharge of the duties required of him by law, and he shall be charged with the enforcement of the various laws coming under his department. It shall be the duty of the said commissioner to enforce all laws that now exist or that hereafter may be enacted in this state regarding the production, manufacture and sale of dairy and food products, their imitations and substitutes and food prepared therefrom, the production, manufacture, sale or adulteration of which is made subject to this or other laws; to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any impure, adulterated or counterfeit dairy or food products that are produced, offered for sale or sold contrary to the laws of this state, and to encourage and promote the manufacture of pure dairy and food products in the state. Said commissioner may be removed from office at the pleasure of the governor and a successor

appointed in his stead. The said commissioner is hereby authorized and empowered to appoint a secretary whose salary shall be twelve hundred (1,200) dollars per annum, one assistant commissioner whose salary shall be fifteen hundred (1,500) dollars per annum, one chief chemist whose salary shall be fifteen hundred (1,500) dollars per annum, and such assistant chemist or chemists when needed to be paid not to exceed one hundred (100) dollars per month, and such number of inspectors as may by him be deemed necessary, to be paid at the rate of one hundred (100) dollars per month, and the necessary expenses incurred in the performance of their duties, and to employ such counsel as he may deem necessary. The sum of thirty thousand (30,000) dollars annually is hereby appropriated to be paid for the execution of the dairy and food laws out of any money in the state treasury not otherwise appropriated. All charges, accounts and expenses authorized by this act shall be paid by the treasurer of the state upon the warrant of the state auditor. The said commissioner shall make biennial reports to the legislature not later than the fifteenth (15th) day of January of his work and proceedings and shall report in detail the number of inspectors he has appointed and employed with their expenses and disbursements and the amount of salary paid the same, and he may from time to time issue bulletins of information when in his judgment the interests of the state would be promoted thereby.

The said commissioner shall have rooms in the capitol, to be set apart for his use by the governor, and a laboratory in the capitol where all chemical analyses for the department shall be conducted. The state dairy and food commissioner shall be a practical dairyman; the assistant commissioner, chemists, inspectors and all agents and other persons appointed by the said dairy and food commissioner shall be practical men and especially trained and equipped for the special lines of work they are appointed to perform.

This section shall not affect the tenure of office of the present commissioner and he shall be regarded as having been appointed under the provisions of this act.

Sec. 2. The said commissioner and assistant commissioner, and such inspectors, agents, experts, chemists and counsel as they shall duly authorize for the purpose, shall have access, ingress and egress to all places of business, factories, farms, buildings, carriages and cars used in the manufacture and sale or transportation

of any dairy or food product or any substitute thereof, or any imitation thereof, and also into all restaurants, dining halls, cafes, dining cars, eating houses, hospitals, lumber camps, railroad camps, either public or private, hotels and all rooms thereof, and all other places wherein food is prepared, stored or served or offered for sale to patrons. They shall also have power and authority to open any package, can or vessel containing such article which may be manufactured, sold or exposed for sale in violation of the provisions of this act, or laws that now exist or that may be hereafter enacted in this state, and may inspect the contents thereof, and may take samples therefrom for analysis. All dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power when so required in tracing, finding or discovering the presence of any article prohibited by law.

Sec. 3. Any refusal or neglect on the part of such dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers to render such friendly aid shall be deemed a misdemeanor and shall be punished as hereinafter provided.

MILK.

Sec. 2, of Chapter 368, Gen. Laws of 1903.

Attention is called to the size required for measures used in measuring milk as provided by law.

Liquid measure: For all commodities in liquid form except beer and milk. The units or standards of measure of capacity for liquids from which all other measures shall be derived and ascertained shall be the standard wine gallon containing thirty-one cubic inches and its parts and multiples, as follows, viz.:

	Cubic inches.
The standard gallon contains	231
The standard quart contains	57.75
The standard pint contains	28.875
The standard gill contains	7.21875
	Gallons.
The standard barrel contains.....	31.50
The standard hogshead contains.....	63

Beer and milk measures shall contain the following capacities: The gallon shall contain two hundred eighty-two cubic inches. The half gallon shall contain one hundred forty-one cubic inches, and the quart one-half as much and the pint one-half as much as the quart.

Sec. 4. No person, firm or corporation shall offer or expose for sale or deliver for sale or consumption, or have in his possession with intent to sell, any unclean, impure, unhealthy, unwholesome or adulterated milk or cream

from the same, or any milk or cream from the same which has not been well cooled, aerated, or to which preservatives of any kind have been added.

Sec. 5. No person, firm or corporation shall keep cows for the production of milk for market or for sale or exchange, or for manufacturing the same, or cream from the same, into articles of food, in a crowded condition, or in stables which are not perfectly ventilated and lighted, or which are filthy from an accumulation of animal refuse or from unsanitary surroundings, or from any other cause. Nor shall milk for such purposes be drawn from cows which are themselves in a condition of filth or uncleanness, or from cows which are affected with tuberculosis, ulcers, running sores, or any other form of disease, or from cows which are fed wholly or in part upon distillery waste, or brewery grains, or the waste of vinegar or garbage or that of sugar factories, or food not properly preserved in silos, or garbage or decayed food in any form, or upon any other form of food which will produce milk which is unhealthy or unwholesome; or from cows within fifteen days before and five days after parturition; nor shall milk or cream produced for such purposes be kept in the stable, or in the house attached or directly connected with the stables in which cows or other animals are kept, or in a place where bad or contaminating odors exist, and all milk and cream thus produced are hereby declared to be unclean, impure, unhealthy and unwholesome milk and cream, and any milk which is shown by analysis to contain any substance or substances of any character whatever not natural or normal constituents of milk, or have been deprived, either wholly or in part, of any constituent naturally or normally contained in milk, or which is shown to contain more than eighty-seven (87) per centum of water fluids, or less than thirteen (13) per centum of milk solids, of which not less than three and one-half (3½) per centum shall be fat, is hereby declared to be adulterated milk. This section shall not be construed to prevent the feeding of ensilage from silos when properly preserved. The having in possession of any person, firm or corporation producing milk for market, or for sale, or exchange, or for manufacturing the same, or cream from the same into articles of food, of distillery waste, or brewery grains, or the waste of vinegar, or that of sugar factories not preserved as aforesaid, or garbage or any other form of food which will produce milk which is unhealthy or unwholesome, shall be considered for the purposes of this act as prima facie evidence of an intent to use the same contrary to the provisions of this act.

Sec. 6. All cream that shall contain less than twenty (20) per centum of fat, or that shall contain any added thickener, or foreign coloring matter, shall be deemed to be adulterated.

Sec. 7. All dairy or creamery butter that shall contain more than sixteen (16) per centum of water shall be deemed to be adulterated.

Sec. 8. No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or of cream from the same, any article of food.

Sec. 9. No person, firm or corporation shall sell or offer for sale, or have in his possession with intent to sell, any cream taken from impure, unwholesome or diseased milk or cream that contains less than twenty (20) per centum of fat.

Sec. 10. No person, firm or corporation shall sell or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle used in transporting or selling milk from which cream has been removed, or milk commonly called "skimmed milk," without first marking the can, vessel or package containing said milk with the words "skimmed milk," in large, plain, black letters upon a light-colored background, each letter being at least one (1) inch high and one-half ($\frac{1}{2}$) inch wide; said words shall be on the top or side of said can, vessel or package where they can be easily seen. Provided, that the provisions of this section shall not apply to any patron of any creamery who receives from said creamery any skimmed or separated milk which is intended for his own use. Provided further, that all creameries before delivering to any patron any skimmed or separated milk shall have pasteurized the same at a temperature of at least one hundred and eighty (180) degrees Fahrenheit.

Sec. 11. It shall be the duty of said dairy and food commissioner to cause the inspection of all creameries, cheese factories and all other places or buildings where dairy products of any nature whatever are produced, manufactured, stored or kept for sale, at such time or times as may be deemed best by him, and he shall have authority to require the construction of necessary drains or improvements to correct any unsanitary or improper conditions, either in the manufacture, storage or sale of said products, and give such instructions as will cause the improvement of any such conditions as may be found to exist, that he may deem should be changed for the public good, and to cause all such conditions to be fully complied with.

Sec. 12. The state standard milk measures or pipettes shall have for milk a capacity of

seventeen and six-tenths (17 $\frac{6}{10}$) cubic centimeters, and for cream shall have a capacity of eighteen (18) cubic centimeters, and the state standard test tubes or bottles for milk shall have a capacity of two (2) cubic centimeters of mercury at a temperature of sixty (60) degrees Fahrenheit between "zero" and ten (10) on the graduated scale marked on the necks thereof; and the standard test tubes of bottles for cream shall have a capacity of six (6) cubic centimeters of mercury at a temperature of sixty (60) degrees Fahrenheit between "zero" and thirty (30) on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other size of milk measure, pipette, test tube or bottle to determine the per cent of butter fat, where milk or cream is purchased by or furnished to creameries or cheese factories, and where the value of said milk or cream is determined by the per cent of butter fat contained in the same.

Any manufacturer, merchant, dealer or agent in this state who shall offer for sale, or sell, a cream or milk pipette or measure, test tube or bottle, which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 34 of this act.

Sec. 13. It shall be unlawful for the owner, manager, agent or any employe of a creamery or cheese factory to manipulate or under read the Babcock test, or any other contrivance used for determining the quality or value of milk.

Sec. 14. No person, firm or corporation, shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as an adulterant or preservative of milk, butter or cheese, nor shall any person, firm or corporation add to milk or butter or cheese, or during the process of their manufacture, any borax, boric acid, salicylic acid, formaldehyde, formalin, or any other substance or substances in the nature of adulterants, anti-ferments or preservatives. Provided, however, that this section shall not apply to pure salt added to butter and cheese.

LICENSES.

Sec. 15. Whoever by himself or his agents conveys milk or cream in carriages, carts or other vehicles, or in any manner for the purpose of selling the same, either at wholesale or retail, in any city or town of one thousand (1,000) inhabitants or more shall annually on the first day of May, or within thirty (30) days thereafter, be licensed by the state dairy and food commissioner to sell milk and cream within the limits of said city or town, and shall

pay to the said dairy and food commissioner the sum of one (1) dollar for each and every carriage, cart or other vehicle thus employed, to the use of said dairy and food commissioner. Licenses shall be used only in the names of the owners of carriages, carts or other vehicles, and shall for the purpose of this act be prima-facie evidence of ownership. All licenses shall terminate on the first day of May of each and every year. No license shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages, carts or other vehicles used (where more than one is employed), the name and residence of any driver or other person engaged in selling or delivering said milk or cream, the number of the carriage, cart or other vehicle, where he has more than one, and the number of license.

Each licensee shall, before engaging in the sale of milk or cream, cause his name, the number of his license, and the number of the carriage, cart or other vehicle (where he has more than one), and his place of business to be plainly and legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance or sale of milk or cream, and he shall report to the state dairy and food commissioner any change of driver, or person employed by him, which may occur during the term of his license. Any person keeping not more than one cow shall be exempted from the provisions of this section.

Sec. 16. Every person, firm or corporation before selling milk or cream, or offering them, or either of them, for sale, or having them, or either of them, in his possession with intent to sell in a store, booth, stand, creamery, cheese factory, or who sells to customers in any manner or from any place in the respective towns or cities as designated in section 15 of this act, shall procure a license from the state dairy and food commissioner, or his authorized agents, and shall pay therefor the sum of one (1) dollar. Every such license shall terminate on the first day of May in each and every year. No license shall be sold or transferred.

Sec. 17. The dairy and food commissioner shall have power to withhold a license from or to revoke the same when already issued to any person, firm or corporation, who shall fail to comply with any of the provisions of sections 15 and 16 of this act, or who shall sell, offer, or expose for sale any milk or cream from dairies containing diseased or filthy cows, or that are kept in violation of section 5 of this act, or of creameries, stores or other places where milk or cream may be kept, stored or sold, which is kept in an unsanitary condition.

Sec. 18. No person by himself or his agents

or servants shall sell, supply or bring to be manufactured, to any butter or cheese manufactory any milk diluted with water or any other substance whatever, or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any cream has been taken (except pure skim milk to skim cheese factories), or shall keep back any part of the milk commonly known as strippings, or shall bring or supply milk which is sour, to any butter or cheese manufactory (except pure skim milk to skim cheese factories). No butter or cheese manufactories except those which buy all the milk they use shall use for their own benefit or allow any of their employes or any other person to use any of the milk or cream brought to said manufactories, or the product thereof, without the consent of the owners thereof. Every butter and cheese manufacturer, except those who buy all the milk they use, shall keep a correct record of all the milk daily received, and of the number of pounds and packages of butter, the number and aggregate weight of cheese made each day, the number of packages of cheese and butter disposed of, which record shall be open to inspection to every person who delivers milk to such manufacturer.

Sec. 19. No person, by himself or his agents or servants, shall manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as butter or as cheese any substance not the exclusive and legitimate product of milk or cream. Provided, whenever any substance is sold as a substitute for butter or cheese not made exclusively from milk or cream, that the person, firm or corporation selling the same for themselves, or as agents for another person, firm or corporation, shall post conspicuously and keep conspicuously posted, as long as said substitutes are sold, offered or exposed for sale, in the room where the same can be seen and read from every part of the said room where the substitute for butter or cheese is sold, offered or exposed for sale, a printed sign giving the true and correct name in the English language of the substitute for butter or cheese so sold, offered or exposed for sale, in letters made with bold faced type, not less than six (6) inches long, giving the true name by which said substitute for butter or cheese is sold, offered or exposed for sale, which notice shall be substantially in the following form. (Insert name of such substitute) "Sold Here."

Sec. 20. No person by himself or his agents or servants shall manufacture for sale, have in his possession with intent to sell, expose or offer for sale, or sell as butter or as cheese, or as substitutes for butter or cheese, or as imitations of butter or cheese, under any name

or title whatsoever, any mixture or compound, which is designed to take the place of butter or cheese, and which is made from animal or vegetable oils or fats, or by the mixing or compounding of the same, or any mixture or compound consisting in part of butter or of cheese in mixture or combination with animal or vegetable oils or fats, nor shall any person mix, compound with or add to milk, cream, or butter or cheese any animal or vegetable oils or fats, with design or intent to make or produce any article or substance in imitation of butter or cheese, nor shall any person coat, powder or color with annatto or with any other coloring matter whatever, butterine or oleomargarine or any mixture or compound of the same, or any article or compound made wholly or in part from animal or vegetable oils or fats not produced from milk or cream, whereby the said article or compound shall be made to resemble butter or cheese, nor shall any person offer or expose for sale or sell any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall have been made, manufactured or produced within this state or in any other state or country; and the having in possession by any person, firm or corporation of any article, substance or compound made, manufactured or produced in violation of the provisions of this section shall be considered as prima facie evidence of an intent to sell the same as butter or as cheese contrary to the provisions of this section.

Sec. 21. The Minnesota state dairy and food commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto, and the words "Minnesota State Full Cream Cheese." Every brand issued shall be used upon the outside of the cheese, and also upon the package containing the same, and shall bear a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese or packages containing the same. All cheese branded as "Minnesota State Full Cream Cheese" shall contain not less than forty-five per centum of fats to total solids, and all cheese purporting to be full cream cheese which contains less than forty-five per centum of fats

to total solids shall be deemed for the purpose of this act, to be adulterated.

Sec. 22. All cheese which contains less than forty-five per centum of fats to total solids is hereby declared to be "skim cheese," and it is hereby required and directed that the same shall be marked with a stencil or brand with the words "Skim Cheese," in plain black letters, not less than one and one-half inches in length and of proportionate width, upon the circumference of the cheese, and upon the outer surface of the box or package containing the same; and any dealer or trader who, by himself, or as the servant or agent of another person, has in his possession with intent to sell, offers or exposes for sale, or sells any skim cheese as hereinbefore defined, which is not stenciled or branded as hereinbefore required and directed, shall be deemed to be guilty of a misdemeanor, and shall be subject to the penalties provided in this act.

Every dealer or trader who offers or exposes for sale or sells skim cheese as hereinbefore defined, shall cause to be kept continuously posted in a conspicuous position upon the walls of the room wherein such skim cheese is offered or exposed for sale or sold, cards upon the face of which is distinctly and legibly printed in the English language, and in letters of sufficient size to be visible from all parts of the room, the words "Skim Cheese Sold Here."

Sec. 23. No person by himself or agent shall sell or offer or expose for sale, or have in his possession with intent to sell cheese branded or labeled with a false brand or label as to the quality of the article, or as to the county or state in which the article is made.

Sec. 24. Every proprietor, keeper, landlord or steward of any hotel, restaurant, dining car, eating house, boarding house, hospital, lumber camp or railroad camp, either public or private, who shall supply the guests or boarders of such hotel, restaurant, dining car, eating house, boarding house, hospital, lumber camp, or railroad camp, either public or private, where money, services, or wages form the whole or part of the payment for such food, with any oleaginous substance or substances or any compound of the same, or any other compound other than that produced from unadulterated milk or of cream from the same, or any article designed to take the place of butter, shall cause to be plainly printed upon every bill of fare used in said hotel, restaurant, eating house, boarding house, hospital, lumber camp or railroad camp, where such adulterated compound is used, immediately under the title thereof and before the naming of any article of food thereon, in capital letters, no smaller than those known as nonpareil Celtic, in the English lan-

guage, the words "Oleomargarine (or butterine) used as a substitute for butter." In case no bill of fare is used in said hotel, restaurant, eating house, boarding house, hospital, lumber camp, or railroad camp, then the proprietor or keeper thereof shall cause to be posted upon each and every side of the dining room, or eating room in a position where the same can be easily seen and read from any part of said room and in letters large enough to be distinctly seen and read from any part of said room, a card containing the words in English language "Oleomargarine (or butterine) used as a substitute for butter," and shall keep the same continuously posted as aforesaid, so long as said compounds, or either of them are kept and used. The provisions of this section shall not be construed as in any wise amending or invalidating any of the provisions of sections 19 or 20 of this act.

Sec. 25. The commissioner shall provide blanks which shall be furnished to all proprietors, managers, or secretaries of creameries and cheese factories within the state for the purpose of making a report of the amount of milk and dairy goods handled, and embodying such other statistical information as the commissioner may require, and all owners or managers or secretaries of said creameries and cheese factories shall, on the first day of November and at such other times as the said commissioner may call for the said report, send to the dairy and food commissioner a full and accurate report of the amount of business done during the year, including the statistical information required by said commissioner.

Sec. 26. It shall be the duty of said commissioner, assistant commissioner, inspectors and agents at any and all times to seize and take possession of any and all food and dairy products, or substitutes therefor, or imitations thereof, kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist, or may be hereafter enacted. Such seizure may be had without a warrant, and said commissioner, assistant commissioner, and all inspectors and agents appointed pursuant to law are hereby given full power and authority of constables. Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitations thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor, and to that end may cause any building, enclosure, wagon or car to

be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

Sec. 27. All such warrants shall be directed to said commissioner, or assistant commissioner, or any inspector or agent appointed pursuant to law, or the sheriff or constables commanding such commissioner, assistant commissioners, inspector, agent or officer to search the house or place where such food or dairy products or substitute therefor or imitation thereof for which he is required to search is believed to be concealed, which place and the property to be searched for shall be designated in the warrant, and to bring such food or dairy product, or substitutes therefor, or imitations thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case.

Sec. 28. When the officer in the execution of any search warrant issued under this act finds and seizes any food or dairy product, or substitute therefor, or imitation thereof, all the property or things so seized shall be safely kept by the direction of the court or magistrate so long as is necessary for the purpose of being produced in evidence in any trial, and on such trial, it being found that such food or dairy product, or any substitute therefor or imitation thereof, is being kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted the court shall, in addition to the other penalties prescribed by act, order that said property be forfeited to the State of Minnesota, and shall order the same sold for any purpose other than to be used for food, and the proceeds thereof paid into the state treasury and placed to the credit of the state dairy and food commissioner's fund. The dairy and food commissioner, his agent or inspector is authorized to take samples from products seized for the purpose of analysis.

Sec. 29. No person shall efface, erase, cancel or remove any mark, statement or label provided for by this act with the intent to mislead, deceive or to violate any provisions of this act.

Sec. 30. No action shall be maintained on account of any sale, or other contract made in violation of, or with intent to violate any provisions of this act.

Sec. 31. The doing of anything prohibited, and the not doing of anything directed to be done by this act, shall be prima facie evidence of a willful intent to violate the different sections and provisions hereof.

Sec. 32. In all prosecutions arising under

this act the certificate of the chemist making the analysis, when duly sworn to by such analyst, shall be prima facie evidence of the fact or facts therein certified.

Sec. 33. All moneys received from license fees, all fines collected for the violation of laws relating to food or dairy products, their imitations or substitutes and the proceeds from all goods confiscated and sold under the provisions of this act and other laws relating to dairy or food products, their imitation or substitutes, shall be paid into the state treasury and placed to the credit of the dairy and food commissioner's fund.

Sec. 34. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment of not less than thirty days, nor more than ninety days.

Sec. 35. Chapter 11, General Laws of 1891, and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Sec. 36. This act shall take effect and be in force from and after its passage.

As amended by Act approved April 7, 1903.

OLEOMARGARINE ACT.

Section 1. Prevents the rendering, manufacturing, selling, or offering or exposing for sale, or having in possession with intent to sell, any article or compound made out of any fat or oleaginous substances not produced from unadulterated milk or cream which shall be made in imitation and colored to resemble yellow butter produced from unadulterated milk or cream.

Sec. 2. Provides that for the violation of section 1 a penalty is imposed of a fine not less than \$50 nor more than \$100, or by imprisonment in the county jail for a term not exceeding sixty days.

Sec. 3. Provides that this act shall not be construed as repealing any existing act, but the same shall be deemed in addition thereto.

RENOVATED BUTTER LAWS.

Section 1. Prevents the manufacture or sale of butter that is produced by taking original packed butter or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section 2 hereof.

Sec. 2. Prevents the sale or delivery of renovated butter as defined in section 1, unless the words "Renovated Butter" shall be plainly branded with Gothic or bold face letters at least three-quarters of an inch in length on the top and side of each tub or box, or pail or package, or on the wrapper or prints or rolls containing it. If such butter is exposed for sale uncovered, a placard containing the label so printed shall be attached to the mass of butter so that the same may be easily read. Branding or marking packages shall be in the English language and in a conspicuous place.

Sec. 3. Provides that it is the duty of the state dairy and food commissioner to enforce the provisions of this act. Security for costs shall not be required of the complainant in any case at any stage of the prosecution on trial.

Sec. 4. It is a misdemeanor to violate any provision of this act, punishable by a fine of not less than \$25 nor more than \$50 and costs, or by imprisonment not to exceed two months.

Sec. 5. Provides that the commissioner and his assistants have full access and ingress to all places of business and factories used for the manufacture or sale of said butter. They also have the power to open any tub, case, or package containing said butter offered for sale in violation of this act.

"PROCESS" BUTTER ACT.

Section 1. Provides that any person who shall manufacture imitation butter, or butter made of part cream and part casein or other ingredients under the "Quinness patent," or any similar process, whereby the casein or milk or other ingredients are made to imitate and resemble genuine butter, shall stamp each package on the top and sides with lamp black and oil with the words "Patent Butter" in letters at least one-quarter of an inch wide and one-half of an inch long. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100.

Sec. 2. Provides that any person selling imitation or patent butter shall give to the purchaser a printed card stating correctly the different ingredients contained in said compound. It is a misdemeanor to violate this section, punishable as in section 1.

DUTY OF WASHING VESSELS USED IN TRANSPORTING MILK OR CREAM.

Section 1. Provides that any person who receives milk or cream in cans, bottles or vessels from any railroad or boat line, where such cans, bottles or vessels are to be returned, shall cause the same to be emptied before said milk or cream sours, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly aired.

Sec. 2. Provides that it is a misdemeanor to violate the foregoing section, punishable by a fine of not less than \$25 nor more than \$50, or by imprisonment of not less than 15 nor more than thirty days for the first offense, and by imprisonment for the second and each subsequent offense.

Sec. 3. Provides that the state dairy and food commissioner is charged with the enforcement of this act.

Sec. 4. Provides that in prosecutions herein under costs shall be paid as provided by law, and fines shall be paid into the state treasurer to the credit of the state dairy and food commissioner's fund.

INSPECTION OF MILK DAIRIES AND DAIRY HERDS.

Section 1. City councils may ordain for the inspection of milk and of dairies, and of dairy herds, and issue the licenses, and may authorize the Board of Health to enforce laws and ordinances relating to the sale of milk and inspection of dairies and dairy herds, and may appoint such inspectors, experts and chemists as are necessary for the enforcement of such laws, and fix their compensation, provided no such ordinances shall conflict with any state law.

Sec. 2. Provides that this act shall not interfere with the powers or duties of the state dairy and food commissioner.

PURE FOOD LAWS.

Section 1. Amends section 6625 of the General Statutes of 1894 as follows:

It is a misdemeanor to adulterate wine, milk, distilled spirits, or malted liquor, or any drug, medicine, food or drink for man or beast; or to offer for sale the same as unadulterated and undiluted without informing the purchaser thereof that the same has been adulterated or diluted.

VINEGAR LAW.

CHAPTER 57—SESSION LAWS OF 1903.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Every person who manufactures for sale or offers or exposes for sale, or sells, as cider vinegar, any vinegar not made exclusively from pure apple juice, known as apple cider, or any vinegar into which has been introduced any artificial coloring, drug, acid or any substance whatever other than pure apple juice, known as apple cider, shall be deemed guilty of a misdemeanor.

Sec. 2. All vinegars shall be made wholly from the substance or substances from which they purport to be, or are represented to be made, and shall contain no foreign substance or artificial coloring and shall contain not less

than four and one-half ($4\frac{1}{2}$) per centum by weight of acetic acid.

Sec. 3. Every person who manufactures for sale, offers or exposes for sale or sells any vinegar containing any preparation of lead, copper, sulphuric acid, or other mineral acids, or any acid made from the distillation of wood, or any other ingredient injurious to health shall be deemed guilty of a misdemeanor.

Sec. 4. Each barrel, cask or keg containing vinegar sold, offered, or exposed for sale, in this state, shall be plainly branded or stenciled with bold-faced black letters and figures, at least one (1) inch in length, on the head of said barrel, cask, or keg, giving the name of the kind of vinegar contained therein, the name of the substance or substances from which it is made, and the name and location of the manufacturer manufacturing the same. Also the per centum of strength of the vinegar contained in the said barrel, cask or keg.

Sec. 5. All cider vinegar as defined in section one (1) of this act, shall have an acidity equivalent to not less than four and one-half ($4\frac{1}{2}$) per centum by weight of acetic acid, and shall contain in addition not less than two (2) per centum by weight of cider vinegar solids upon full evaporation over boiling water; and if any cider vinegar contains any artificial coloring matter or less than the above prescribed acidity and solids, it shall be deemed to be adulterated within the meaning of this act, and the person manufacturing, selling or exposing for sale shall be deemed guilty of a misdemeanor.

Sec. 6. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by a fine of not less than twenty-five (25) dollars nor more than seventy-five (75) dollars and costs, or by imprisonment not exceeding ninety (90) days.

Sec. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

PRESERVATIVE LAW.

The Session Laws of 1903 are as follows:

Section 1. The sale, offering for sale, or having in possession with intent to sell, of any article or product, used or intended for use as human food, when mixed with any chemical, or chemical compound or preservative injurious to the public health, or which conceals or tends to conceal or destroy the odor or evidences of putrefaction existing in such articles of food, is hereby prohibited and made unlawful.

Sec. 2. The mixing for sale of any article or product used or intended for use as human food, with any chemical or chemical compound or preservative injurious to the public health,

or which conceals, or tends to conceal or destroy the odor or evidence of putrefaction existing in such articles of food, is hereby prohibited and made unlawful.

Sec. 3. Any person, corporation, officer, agent, trustee or employe of any corporation violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished in any court having jurisdiction, by a fine of not less than twenty-five (25) or over one hundred (100) dollars, or by imprisonment in the county jail not exceeding ninety (90) days.

BAKING POWDER.

Section 1. Prevents the manufacture or sale of baking powder containing alum, unless the same be labeled as hereinbefore required, and declares the violation of this section a misdemeanor punishable by a fine not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not exceeding thirty days.

Sec. 2. Provides that every person manufacturing baking powder which contains alum shall have a label upon the outside and face thereof in type not smaller than "Long Primer Caps," with the name and residence of such manufacturer and the words "This baking powder contains alum." It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not to exceed thirty days.

NOTE. Amended chapter 119, General Laws 1891, and "brevier heavy Gothic caps" inserted in place of "long primer."

Sec. 3. Provides that the possession of the articles and substances described in the foregoing section is considered prima facie evidence of the violation of this act; and the state dairy and food commissioner or his employes may seize such articles or substances, and upon order of court may sell the same after giving notice of the time of such sale and that such compound or substance contain alum, and the proceeds thereof shall be placed to the credit of the state dairy and food commissioner's fund.

Sec. 4. Provides that the district and municipal courts and justices of the peace shall have full jurisdiction for any violation of this act.

Sec. 5. Provides that costs shall be paid as provided by law in prosecutions hereinunder, and the fines be placed to the credit of the state dairy and food commissioner's fund.

NOTE.—Chapter 7, General Laws of 1899, so far as it relates to baking powder, is superseded by the following:

(Chapter 245, General Laws 1899).

Section 1. Provides for the protection of the public against the manufacture or sale of baking powders which are impure, unless labeled as hereinafter required and directed, and declares it a misdemeanor to violate this section punishable by a fine of not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not exceeding thirty days.

Also that if any person shall manufacture or sell such baking powder or imitations thereof, they shall be deemed guilty of a misdemeanor, and upon conviction shall for each offense be punished by a fine not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not exceeding thirty days.

Sec. 2. Provides that every person manufacturing or selling or offering for sale any baking powder shall affix to every box and package containing same a white or light colored label, upon the outside of which is distinctly printed in the English language with black ink, in legible type no smaller than "brevier heavy Gothic caps," the name and residence of the manufacturer and the words "This baking powder is composed of the following ingredients, and none other"; and immediately after said words shall be printed upon said light colored label the true and correct name of each and all of the ingredients contained in or constituting a component part of such baking powder. It is a misdemeanor to violate this section punishable by a fine of not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not exceeding 30 days.

NOTE.—An amendment to baking powder laws was passed by the Legislature of 1901, as follows:

Section 1. Substantially the same as section 2, last quoted, excepting that when ingredients are used in the mixture or compound intended for use as baking powder, such ingredients shall be printed by "using the names by which each ingredient is commonly known in trade." The penalty is the same as in section last quoted.

LARD LAW.

Section 1. Provides that no person shall sell for lard any substances not the legitimate and exclusive product of the fat of a hog.

Sec. 2. Provides that it is a misdemeanor to manufacture or offer for sale as lard, or as a substitute or imitation therefor, any substance which is made from animal or vegetable oils or fats, or consists in part of lard or lard with such animal or vegetable oils or fats, unless same shall be branded or labeled as hereinafter required, punishable as hereinafter provided.

Sec. 3. Provides that any person selling or offering for sale any substance or imitation made in resemblance of lard, consisting of ani-

mal or vegetable oils or fats other than hog fat, shall cause the tierce, barrel, tub, pail or package containing the same to be legibly branded or labeled in letters not less than one inch in length with the name of the person or firm making same, together with the location of the manufactory, and the words "Lard substitute," and immediately following the same, in letters not less than one-half inch in length, the names and approximate proportions of the several constituents contained in the mixture or compound.

Sec. 4. Same as section 3, with the exception that the words "Adulterated lard" are used in place of the words "Lard Substitute."

Sec. 5. Provides that every person selling adulterated lard as hereinbefore defined shall affix to the package wherein the same is contained a label upon the outside, on which is plainly, distinctly and legibly printed in letters no less than one-half inch in length the words "Lard substitute" or "Adulterated lard," and immediately following the same, in letters no smaller than long primer, the names and approximate proportions of the several constituents which are contained in the mixture or compound, and shall furnish the purchaser at the time of sale a card upon which is distinctly printed the name of the article as hereinbefore defined, and a list of the several constituents of the mixture.

Sec. 6. Every person who manufactures or sells, or who serves to guests as keeper of a hotel, restaurant or dining room, articles of food prepared with lard substitutes or adulterated lard, shall furnish a card upon which is distinctly printed the words "This food is prepared with lard substitute (or adulterated lard)," and in case no bill of fare is provided there shall be kept constantly posted upon each of the sides of the dining room cards printed with the words "Lard Substitute (or adulterated lard) is used in the preparation of the food served here."

Sec. 7. Provides that the possession of any substitute for or adulterated lard not branded, upon the part of any dealer therein, is prima facie evidence of intent to sell or use the same in an unlawful manner.

Sec. 8. It shall be the duty of the state dairy and food commissioner and his assistants, experts, chemists and agents by him appointed, to enforce the provisions of this act. The said commissioner is hereby authorized and empowered to employ such experts and chemists as may be deemed by him necessary for the proper enforcement of the law, their compensation to be fixed by the commissioner. All charges, accounts and expenses authorized by this act

shall be paid by the state treasurer upon a warrant drawn by the state auditor.

Sec. 9. The said commissioner and assistant commissioners, experts, chemists and others by him appointed shall have access, ingress and egress to all places of business, factories and buildings where the same is manufactured or kept for sale. They shall also have power and authority to open any package, car or vessel, containing such articles which may be manufactured, sold or exposed for sale in violation of the provisions of this act, and may inspect the contents therein and take samples therefrom for analysis. All clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding or discovering the presence of any prohibited article named in this act. Any refusal or neglect on the part of such clerk, bookkeeper, express agent, railroad officials, employes or common carriers to render such friendly aid, shall be deemed a misdemeanor and be punished by a fine of not less than twenty-five (\$25) dollars or more than fifty (\$50) dollars for each and every offense.

Sec. 10. Any person violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five (\$25) dollars or more than seventy-five (\$75) dollars and costs for each offense, or by imprisonment in the county jail for not less than thirty (30) days or more than sixty (60) days.

HONEY LAW.

Section 1. Prevents the sale of honey compounded or manufactured from or mixed with glucose, sugar syrup of any kind, or any substance whatever not the legitimate and exclusive product of the honey bee, unless the package containing the same is marked or labeled in heavy Gothic capitals, eighteen point, with the name of the person or persons compounding, manufacturing or mixing the same, and the names of the substances from which the same are manufactured.

Sec. 2. Prevents the sale of honey not made by bees from the natural secretion of flowers and plants, but which has been stored or made by the bees from glucose, sugar, syrup, or any other material or substance fed to them, unless the same is marked, represented and designated as such and bearing a label upon each package, as in section 1 required.

Sec. 3. Provides that it is a misdemeanor to violate sections 1 and 2 hereof, punishable by a fine of \$15 nor more than \$100, or by imprisonment not exceeding 30 days in jail, or both fine and imprisonment.

Sec. 4. Provides that the possession of any honey described in sections 1 and 2 not labeled as provided is *prima facie* evidence that the same is kept in violation hereof.

Sec. 5. Provides that the state dairy and food commissioner is charged with the enforcement of this act.

Sec. 6. The commissioner or his assistants shall have access and ingress to all places of business and buildings where the said honey is kept for sale; they shall have the power to open any package, car or vessel containing the same. Clerks, express agents, bookkeepers, etc., shall assist them in discovering the same. It is a misdemeanor to violate this section, punishable by a fine of \$25 nor more than \$50 for each offense, or by imprisonment in the county jail not less than 30 days nor more than 60 days.

Sec. 7. Provides that in prosecutions under this act the costs thereof shall be paid as provided by law.

CANDY LAW.

Section 1. Prevents the sale of any candy, adulterated by the admixture of terra alba, barytes, tale, or any mineral substance, by poisonous coloring or flavor, or other ingredients injurious to health.

Sec. 2. Provides that it is a misdemeanor to violate this act, punishable by a fine not exceeding \$50 nor less than \$25, or by imprisonment not to exceed 60 days nor less than 30 days. Adulterated candy shall be forfeited and destroyed by directions of the court.

JELLIES.

Section 1. Jellies under this act shall include all substances known and recognized in commerce as jellies for human consumption as food, whether they are prepared of animal or vegetable products.

Sec. 2. Prevents the manufacture of food jellies adulterated with any foreign substance, within the meaning of this act, unless the can, jar, glass or package containing same shall be labeled as hereafter required and directed.

Sec. 3. Any food jelly shall for the purpose of this act be deemed adulterated:

1. If any substance shall have been mixed with it so as to lower or depreciate its quality, strength or purity.
2. If any inferior substance has been substituted wholly or in part for it.
3. If any necessary ingredient has been abstracted wholly or in part from it.
4. If it is an imitation sold under the name of any other article or substance.
5. If it is treated in any manner whereby its inferiority is concealed, or if made to appear better than it really is.
6. If it contains any added substance poisonous or injurious to health.

Sec. 4. Provides that any person selling a food jelly adulterated as hereinbefore defined shall affix in a conspicuous place upon the can or package containing same a label, upon the outside and face of which is printed, on a background of a single color, in the English language, and in legible type no smaller than double pica, the name and location of the factory and manufacturer manufacturing the same, and the words "Mixture" and "Adulterated," and immediately following below these words the common English name and the quality, grade and net weight of the article claimed to be contained in such can or package.

Sec. 5. Provides that the possession of any article herein described, not labeled as herein required, is *prima facie* evidence of a violation of this act.

Sec. 6. Provides that all persons manufacturing or selling food jellies for export trade outside of this state are exempted from the provisions of this act as to all food jellies as are manufactured or kept for export trade.

Sec. 7. Provides that a certificate of the chemist making analysis, duly sworn to, is *prima facie* evidence of the facts certified.

Sec. 8. Provides that it is a misdemeanor to violate this act, punishable by a fine of not less than \$5 nor more than \$50 and costs or by imprisonment not to exceed three months.

Sec. 9. In prosecutions hereunder costs shall be paid as provided by law, and fines paid into the state treasury to the credit of the state dairy and food commissioner's fund.

Sec. 10. Provides that the state dairy and food commissioner is charged with the enforcement of this act. Upon complaint by him or by anyone authorized by him security for costs shall not be required of the complainant.

Sec. 11. Provides that the commissioner shall have access and ingress to all places of business, factories and buildings used for the manufacture or sale of food jellies. He shall have authority to open any package, can or receptacle containing any food jelly sold or exposed for sale in violation of the provisions hereof.

SPICES AND CONDIMENTS.

Sec. 1. The term "Spices and condiments" as used herein shall include all substances known and recognized in commerce as spices and used as condiments, whether in their natural state or in the form which would result from the grinding, milling or mixing or the compounding of the natural product.

Sec. 2. Prevents the manufacture or sale of such spices or condiments, either ground or unground, adulterated with any foreign substance within the meaning of this act, unless

the package or box containing same shall be labeled or branded as hereinafter directed.

Sec. 3. Provides that any spices or condiments shall be deemed adulterated:

1. If any substances have been mixed with it so as to lower or depreciate its quality, strength or purity.

2. If any inferior or cheaper substances have been substituted wholly or in part for it.

3. If any necessary component has been abstracted from it wholly or in part.

4. If it is an imitation of any other substance or article.

5. If it is colored, powdered or treated whereby damage or inferiority is concealed, or if made to appear better than it really is.

6. If it contains any foreign substance poisonous or injurious to health.

Sec. 4. Provides that any person selling or delivering any spice or condiment adulterated as hereinbefore defined shall label on the outside and face of each package containing the same, upon a background of a single color, in the English language and in legible type no smaller than double pica, the name and location of the manufacturer or person, firm or corporation manufacturing same, and the words "Mixture" and "Adulterated" and the common English name of the spice or condiment which said box or package contains, also the net weight of the package, whether the contents are pure or adulterated, shall be printed on the label.

Sec. 5. Provides that possession of any article adulterated as herein described and not labeled is *prima facie* evidence of a violation of this act.

Sec. 6. Provides that it is a misdemeanor to violate this act, punishable by a fine of \$10 nor more than \$50 and costs, or by imprisonment not less than 30 days.

Sec. 7. Costs in prosecutions hereunder shall be paid as hereinbefore provided under other sections.

Sec. 8. The state dairy and food commissioner is charged with the enforcement hereof. No security for costs shall be required upon his complaint or that of anyone authorized by him.

Sec. 9. He has ingress and egress to all places of business used for the manufacture or sale of spices or condiments, and shall have authority to open any package, box or can containing same.

AMBER CANE OR SORGHUM SYRUP.

Sec. 1. Any person, firm or corporation, or any person who, as the agent of any firm or corporation, shall sell, offer or expose for sale, or have in his possession with intent to sell, any syrup made from amber cane or

sorghum that shall be mixed or adulterated with glucose, or corn sugar syrup, or any other substance of any name whatever not natural or normal to amber cane or sorghum syrup, shall be guilty of a misdemeanor, and upon conviction be punished by a fine of not less than \$25, nor more than \$75 and costs, or by imprisonment not to exceed 90 days.

Provided, that the provisions of this act shall not apply when each barrel, cask, keg, or other package containing the said amber cane or sorghum syrup, that may be mixed or adulterated with any substance not natural or normal to said amber cane or sorghum syrup, shall be labeled with a label printed in the English language in plain bold-faced type at least one-half ($\frac{1}{2}$) inch in length the following formula: "This amber cane or sorghum syrup is mixed with the following substances and none other: (Here give the name and proportionate quantity of each substance), and following this the name and address of the manufacturer of the mixture."

Sec. 2. It shall be the duty of the state dairy and food commissioner and his assistants, experts, chemists and agents by him appointed, to enforce the provisions of this act.

Sec. 3. In all prosecutions under this act the costs thereof shall be paid in the manner now provided by law, and such fines shall be paid into the state treasury and placed to the credit of the state dairy and food commissioner's fund.

Sec. 4. This act shall take effect and be in force from and after October 1st, 1903.

Approved April 14, 1903.

MAPLE SUGAR AND SYRUP.

Sec. 1. Prevents the manufacture or sale as pure maple sugar or as pure maple syrup of any substance not the legitimate product of the sap of the maple tree, free from tannic acid, starch, glucose and glucosides or mineral acids, and all foreign ingredients injurious to health. Provided, that the manufacture or sale within this state is not prohibited as to maple syrup or maple sugar made in part of pure maple sugar or pure maple syrup combined with other substances not injurious to public health which is labeled on the outside of each can, bottle, or other receptacle of any nature whatsoever according to law. The label shall be affixed in a conspicuous manner, and shall contain the words "This maple sugar or maple syrup (as the case may be) is composed of the following ingredients and none other," and immediately after said words shall be printed upon said label the correct names of each ingredient constituting a component part of such maple sugar or maple syrup and the name and residence of

the manufacturer. The labels shall be printed in the English language in letters no smaller than brevier heavy Gothic capitals.

Sec. 2. The having in possession by any person, firm or corporation of any maple sugar or maple syrup not labeled in accordance with the provisions of section 1 is *prima facie* evidence of a violation of this act.

Sec. 3. Provides that the certificate of the chemist is *prima facie* evidence of the facts certified.

Sec. 4. It is a misdemeanor to violate this act, punishable by a fine of \$10 nor more than \$50 and costs, or imprisonment not exceeding 90 days.

Sec. 5. The state dairy and food commissioner is charged with the enforcement hereof. When complaint is made by him or his assistants security for costs shall not be required.

Sec. 6. The commissioner has the right of ingress and egress to all places of business where said sugar or syrup is manufactured or sold, and the right to open packages containing the same.

FRUIT JAMS AND PRESERVES.

Sec. 1. Prevents the manufacture or sale of any fruit jams or fruit preserves composed of any ingredient other than fruit and granulated sugar, except such ingredient be not injurious to public health, and shall be labeled in a conspicuous place on the sides of either can, jar, or other package of the same in the English language in bold-faced, legible type no smaller than double pica with the name and residence of the person, firm or corporation manufacturing the same. Provided, further, that on a separate label of white or light colored background in bold-faced type not less than one-half inch in length is printed the words in capitals "Mixed and adulterated." Said label shall be securely affixed.

Sec. 2. Provides that the possession of any article which is described as adulterated which is not labeled as required is *prima facie* evidence of a violation of this act.

Sec. 3. Provides that the provisions of this act shall not apply to persons manufacturing fruit jams or fruit preserves for export trade.

Sec. 4. Provides that the certificate of the chemist is *prima facie* evidence of the facts certified.

Sec. 5. Provides that it is a misdemeanor to violate this act, punishable by a fine of not less than \$10 nor more than \$50 and costs, or by imprisonment not to exceed three months.

Sec. 6. Provides that the state dairy and food commissioner is charged with the enforcement hereof. No security for costs shall be required when he or his assistant is complainant.

Sec. 7. The commissioner and assistants

have access, ingress and egress to all places of business where fruit jams or fruit preserves are manufactured or sold. They have also the power to open any package containing the same.

LIQUOR LAW.

Sec. 13. No person shall within this state, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquors containing any drug, substance or ingredient not normal or healthful, to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not normal or healthful to exist in spirituous, fermented or malt liquors, and shall be deemed to be deleterious or detrimental to health when contained in such liquors, to wit: Coccus indicus, chloride of sodium, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, dandel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, amyl alcohol, and any extract or compound of any of the above drugs, substances or ingredients, and any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars or more than one hundred (100) dollars and costs, or by imprisonment of not less than ten (10) or more than ninety (90) days for the first offense, and by a fine of not less than fifty (50) dollars or more than one hundred (100) dollars and costs, or imprisonment of not less than thirty (30) or more than ninety (90) days, or by both such fine and imprisonment for any subsequent offense.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1901.

GENERAL FOOD ADULTERATION LAW.

CHAPTER 163—H. F. NO. 708.

AN ACT TO DEFINE ARTICLES OF FOOD AND DRINK FOR HUMAN USE, TO PREVENT MISBRANDING OR ADULTERATIONS OF THE SAME, TO PREVENT FRAUD AND PRESERVE PUBLIC HEALTH.

Be it enacted by the Legislature of the State of Minnesota:

Sec. 1. The term "food" shall include all articles used by man for food, drink or condiment whether mixed, single or compound. The term "misbranded" as used herein applies to

all articles of food or articles used in the composition of food, drink or condiments, the packages or labels of which shall bear any statement purporting to name any ingredients or substance contained in such article which statement shall be false in any particular; or any statement purporting to name the substance of which said article is made, which statement shall not fully give the names of all the substances contained in the article in any quantity, or which names as a single article of food any mixture or compound. The term "drink" as used herein shall not include liquids containing two (2) per cent or more of alcohol.

Sec. 2. An article shall be deemed adulterated in the case of food drink or condiment:

First, if any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser, or

Second, if any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold, or offered for sale shall deceive or tend to deceive the purchaser, or

Third, if any valuable constituent of the article has been wholly or in part abstracted, so that the product when sold or offered for sale shall deceive or tend to deceive the purchaser, or

Fourth, if it contain any added poisonous ingredient or an ingredient which may render such article injurious to the health of the person consuming it, or

Fifth, if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter, or,

Sixth, if it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Sec. 3. Any person adulterating or misbranding any article of food, drink or condi-

ment as defined in section two (2) or who shall handle, keep for sale, offer or expose for sale any article so adulterated or misbranded shall be guilty of a misdemeanor and on conviction be fined not less than twenty-five (25) dollars, or more than seventy-five (75) dollars and costs or by imprisonment not to exceed ninety (90) days.

Sec. 4. It shall be the duty of the state dairy and food commissioner and his assistants, experts and chemists and agents by him appointed, to enforce the provisions of this act.

Sec. 5. This act shall take effect and be in force from and after July 1, 1903.

Approved April 10, 1903.

NOTE.—Any person desiring an analysis made of any article described under the foregoing sections of the pure food and dairy laws may send in a sample of such article to the state dairy and food commissioner, accompanied by the following information and quantity according to the article sent to be analyzed:

Name and location of manufacturer; if jobber, the firm name and location.

Brand or name of article and representation by dealer as to quality and character of goods.

AS TO QUANTITIES TO BE SENT

Cheese, not less than six ounces.

Butter, not less than eight ounces.

Milk, not less than four ounces.

Cream, not less than four ounces.

Lard, not less than four ounces.

Baking powder, not less than one small can.

Vinegar, not less than four ounces.

Honey, not less than eight ounces.

Spices, not less than four ounces.

Food jellies, not less than one-half pound, or small original package.

Jams, not less than one-half pound, or small original package.

Preserves, not less than one-half pound, or small original package.

Beer, not less than one pint.

Wine, not less than one pint.

Liquor, not less than one pint.

Maple syrup, not less than eight ounces.

Candy, not less than eight ounces.

DECISIONS OF THE SUPREME COURT OF MINNESOTA ON FOOD LAWS.

FORMULA OF FOOD. NO RIGHT TO KEEP SECRET. No man has a constitutional right to keep secret the composition of substances which he sells to the public as articles of food. *State vs. Aslesen*, 50 Minn. 5.

BAKING POWDER. A statute which provides that manufacturers of baking powder shall put

a label on each can stating the different ingredients used in its manufacture and composition is not an infringement on private rights and is constitutional. *State vs. Sherod*; *State vs. Horgan*; *State vs. O'Grady*, 80 Minn. 446.

BAKING POWDER. The act of 1889 regarding the adulteration of baking powder embraces

but one subject and it is therefore constitutional within the meaning of the constitution in regard to acts embracing but one subject in their title, etc.

Alum baking powder must be marked as required by law so as to give the public full notice of what they are buying; and Secs. 1 and 2 of the statute requiring alum baking powder to be so marked are constitutional. *Stolz vs. Thompson*, 44 Minn. 271.

LARD. It is required that the seller of any article substituted or designed to take the place of lard shall, by label or card, inform the purchaser of the nature and ingredients of the article which he offers for sale. *State vs. Aslesen*, 50 Minn. 5.

LARD. LABELING. A statute requiring the sellers of lard substitute to inform the purchaser of the fact by labeling the article with a quantitative analysis of its ingredients does not deprive the seller of his property without due process of law, but is a valid exercise of the police power. *State vs. Aslesen*, 50 Minn. 5.

COTTOLENE. Under a law which provides that all substitutes or imitations of lard must be marked "Lard substitute" and providing that the act does not apply to cottolene when it is not manufactured in imitation of lard, and is plainly marked "cottolene," it has been held that such acts forbid the sale of cottolene manufactured to resemble lard, unless the package is marked "Lard Substitute"; and that evidence, that the defendant sold cottolene resembling lard without being marked "Lard Substitute" is sufficient to sustain a conviction. *State vs. Hansen* (Minn.) 54 L. R. A. 468.

ADULTERATED MILK. A statute prohibiting the sale of cream that contains less than 20 per cent of milk fats is a valid exercise of the police power. *State vs. Crescent Creamery Co.*, 83 Minn. 284.

MILK LICENSE. The laws of 1895 which authorize a city to provide for the regulation of the sale of milk and licenses therefor within its limits, give a city power to require that the applicant for a license consent that the dairy herd from which he obtains milk may be inspected by the health commissioner, although the cows are outside of the city limits.

An ordinance providing that before the license is granted the animals from which the applicant obtains his milk shall be subject to the tuberculin test is not unreasonable. *State vs. Nelson*, 66 Minn. 166.

OLEOMARGARINE. The law of 1885 c. 149, par. 4, is constitutional and within the police power of the state and the same is good as to its title within the meaning of Sec. 27, Art. 4, of the constitution. *Butler vs. Chambers*, 36 Minn. 69.

A statute intended to restrain or suppress the manufacture and sale of oleomargarine and similar compositions is a legitimate exercise of the police power of the state. *Butler vs. Chambers*, 36 Minn. 69.

PUBLIC MARKET. An ordinance which requires that all dealers in order to sell within the city limits in any other place than in the public market must have a license is valid. *State vs. McMahon*, 62 Minn. 110.

**Pure
Cider and
Vinegar**

Established 1875

Incorporated 1891

Barrett & Barrett

Fourth and Wakouta
Streets
ST. PAUL, MINN.

PURE FOOD LAWS OF MISSISSIPPI.

The State of Mississippi has not provided for a Pure Food Commission. The laws enacted to provide against the adulteration of articles of food are enforced by local boards of supervisors, and by such agencies as the Mayor of the Board of Aldermen of every town or village may appoint. Said boards may from time to time direct what kinds of foods shall be inspected.

Such laws as this state has enacted upon the subject of food adulterations are abstracted as follows.

ADULTERATED FOOD.

ANNOTATED CODE, 1892. CHAPTER 50.

Sec. 2096. An article of food shall be deemed adulterated:

(a) If any substance be mixed with it so as to lower or injuriously affect its quality or strength;

(b) If any inferior or cheaper substance or substances be substituted in whole or in part for the article;

(c) If any valuable constituent of the article be, in whole or in part, abstracted or extracted;

(d) If it be an imitation of or sold under the name of, another article;

(e) If it consist, in whole or in part, of a diseased or decomposed or putrid or rotten animal or vegetable substance, whether manufactured or not; or

(f) If it be the produce of a diseased animal;

(g) If it be colored or coated, or powdered or polished, whereby damage is concealed, or it be made to appear better than it really is, or of greater value; or,

(h) If it contain any added poisonous ingredient, or any ingredient injurious to health; but this section shall not apply to mixtures or compounds recognized as ordinary articles of food.

INSPECTORS OF FOOD.

Sec. 2098 (942). The Board of Supervisors of every county, and the Mayor and Board of Aldermen of every city, town or village, respectively, may appoint and commission a suitable person to be inspector of food, and said boards may direct, from time to time, what kind of food shall be inspected.

Sec. 2099. The said boards may, respectively, make and publish all needful regulations for the government of the inspectors, and of dealers

in food, and may enforce such regulations by proper penalties, and they may prescribe and regulate the compensation of the inspector and his fees and perquisites, and define his duties.

Sec. 2100 (943). Provides that every inspector of food, before he enters on his duties, shall take and subscribe an oath for the faithful performance of his duties, and shall give bond in the sum of \$500, with sufficient sureties, payable to the county, city, town or village.

2101. Every imposter of food shall be liable, civilly and criminally, as other officers are, for fraud and any malfeasance or misfeasance in office, and shall be liable on his bond for the safe keeping and accounting for the standard of weights and measures.

2102. The inspector of food of any county, city, town or village shall be the keeper of the standards of weights and measures, and shall seal all weights and measures brought to him conforming or conformed to the standards. (See 4480.)

2104 (948). Any person who shall oppose or obstruct any inspector of food in the discharge of his official duties, shall, for every such offense, forfeit and pay \$200, and shall, moreover, be liable to action for any injury or damage that may be sustained by any such opposition or obstruction.

FORFEITURE OF FOOD ARTICLES.

2105 (947). If any person shall knowingly sell, keep or offer for sale as sound and wholesome, any tainted, putrid, unsound, unwholesome or unmerchantable provisions, as human food, or shall practice any fraud or deception whereby any such provisions are put off or sold, the whole of such provisions, if of value for any purpose, shall be forfeited to the county wherein the same may be offered or kept for sale. (See Secs. 1262, 1263, 1264.)

2106 (949). If any person shall sell, keep, or offer for sale, any barrel of flour, meal, pork, or beef, as a barrel thereof, containing less than the standard weight net, he shall forfeit to the county all of such underweight flour, meal, pork, or beef, which he may have in his possession.

2107. If any person shall keep or offer for sale any adulterated food or drug, the whole of the adulterated article shall be forfeited to the county.

PURE FOOD LAWS OF MISSOURI.

REVISED STATUTES, 1899, AND SESSION ACTS, 1901.

There is no Pure Food Commissioner in the State of Missouri and the laws of the state relating to food adulteration are not enforced by any special agent of the state, except the laws regulating the sale of imitation butter and filled cheese, which are enforced by the Board of Agriculture.

OFFICERS AND MEMBERS OF THE MISSOURI STATE BOARD OF AGRICULTURE.

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 District No. 15.—J. J. McNatt, McNatt.
 District No. 16.—A. T. Nelson, Lebanon.

A digest of the laws upon the subject of Pure Food in force in the State of Missouri at the present time is as follows:

IMITATION BUTTER.

Sec. 4744. Every article, substitute or compound other than that produced from pure milk or cream from the same, made in semblance of

butter, to be used as a substitute therefor, is declared to be imitation butter.

Sec. 4745. No person shall combine any animal fat or vegetable oil or other substance with butter, or combine therewith or with animal fat or vegetable oil any other substance whatever, any annatto or compound thereof, or other substance for the purpose of imparting thereto a yellow color so that such substance shall resemble any shade of genuine yellow butter. Nothing in this article shall prohibit the use of salt and harmless coloring matter for coloring substitutes for butter manufactured for export or sale outside of this state. No person by himself, his agents or employe, shall produce or manufacture any substance in imitation of natural butter, nor sell imitation butter produced in this state or elsewhere. Substances designed to be used as substitutes for butter and not manufactured or colored as herein prohibited may be sold under regulations hereinafter provided.

Sec. 4746. Manufacturers of any substance as a substitute for butter shall mark or stencil upon the top and sides of each tub or package containing same at the place of manufacture, in the English language, the words "Substitute for Butter," in printed letters of plain Roman type, at least one inch in length by one-half inch in width.

Sec. 4747. Substitutes for butter shall not be consigned or received by common carriers unless shipped under their true names; provided, this article shall not apply to goods in transit between foreign states across the State of Missouri.

Sec. 4748. Prohibits the possession or control of any substance as a substitute for butter unless the tub or package containing same be marked as provided in section 4747; *Provided*, this section shall not apply to persons having same for actual family consumption. Every person possessing or controlling such substances not marked as herein required shall be presumed to know the true character and name as fixed by this article of such products.

Sec. 4749. Prohibits the sale of a substitute for butter under the name of or under the pretense that the same is butter.

Section 4750. Every person, firm or corporation who shall violate any of the provisions of sections 4745, 4746, 4747, 4748 and 4749 of this article shall forfeit and pay to the state of Missouri, for the use of the school fund for every such violation, the sum of fifty dollars

The Scudders-Gale Grocer Company

714 to 724 Spruce Street ST. LOUIS, MO. 425 to 429 S. Seventh St.

SUCCESSORS TO

Scudder-Gale Grocer Co. and J. W. Scudder & Co.

**IMPORTERS AND JOBBERS OF EVERYTHING REQUIRED BY THE
RETAIL GROCER**

PROPRIETORS of the well known BUFFALO and OWL Brands of Canned Goods, Cereals, etc. Special attention given to high-grade canned goods, preserves and fine edibles of every description.

We are also the St. Louis Agents for the following well known firms:

CURTICE BROS. CO., Rochester, N. Y.	- - -	Blue Label Brand of Canned Goods, Preserves, Jams, Jellies, Etc.
DWINELL, WRIGHT CO., Boston, Mass.	- - -	Roaster and Packers of High Grade Coffees.
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CAFFE FRERES, Paris, France.	- - -	Packers of the celebrated "Cadeau Brand" Peas, Mushrooms, Sardines, etc.
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THE TOWLE SYRUP CO. Padlock Extra Cal. Fruits, Oakland, Cal.	- - -	Log Cabin Maple Syrup.
THE CALIFORNIA FISH CO., Padlock Extra Cal. Fruits, Oakland, Cal.	- - -	Sardines and Mackerel.
FRANCO-AMERICAN FOOD CO., Jersey City, N. J.	- - -	Fine Soups, Plum Pudding, French Pates and Entrees.
THE WALTER M. LOWNY CO., Boston, Mass.	- - -	Chocolate and Cocoa.
THE LIPPENCOTT & CREE CO., Cincinnati, Ohio.	- - -	Pickles, Olives, Catsup and Chili Sauce.
THE FT. STANWIX CAN CO., Rome, N. Y.	- - -	Fancy New York State Canned Vegetables.
THE U. S. CAN CO., Buffalo, N. Y.	- - -	Fancy New York State Canned Vegetables.

Also control the following well known brands:

Town Talk Evaporated Cream, 5-cent size.
Town Talk Evaporated Cream, 10-cent size.
White Pansy Condensed Milk.
Old Hickory Sorghum.
Tip Top Table Syrup.
Battle King Rice, 1-lb. packages.
Sultan Rice, 3-lb. bags.

Battle King Coffee.
Velvet Coffee.
Fenner's Grape Juice.
Gleason's Grape Juice.
Cowdrey's Deviled Ham.
Cowdrey's Cranberry Sauce.
Cowdrey's Baked Beans.

If our salesmen do not call on you, we solicit your open orders, and guarantee careful and prompt attention.

and costs of suit, to be recovered by civil action in the name of the state of Missouri on the relation of any person having knowledge of the facts before any justice of the peace of the city or county where such violation occurs or any other court of competent jurisdiction, subject to appeal to the circuit court, as in other cases; and it is further enacted that every person, firm or corporation who shall violate the provisions of this article, in addition to the civil liability to the state of Missouri herein provided, shall be deemed guilty of a misdemeanor, and shall for the first offense be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment not exceeding thirty days, and for each subsequent offense, by a fine of not less than two hundred and fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court. (Laws 1901, pp. 44-45.)

Section 4751. A certificate of an analysis of any dairy product or adulteration or imitation thereof, when duly signed by a professor of chemistry connected with any of the departments of the state university or experiment station shall, when acknowledged before any person authorized to administer an oath, be received in the courts of this state a *prima facie* evidence of the facts stated therein, in all civil actions, as provided for in section 4750 of this act. (Laws 1901, p. 45.)

Sec. 4752. Contracts made in violation of this article are non-actionable.

Sec. 4753. It is a misdemeanor to efface, cancel or remove any mark provided for by this article with intent to mislead.

Sec. 4754. The State Board of Agriculture shall enforce this act. All fines shall be paid into the state treasury.

SKIMMED MILK CHEESE.

Sec. 4755. Prohibits the manufacture or sale of any article known or denominated cheese not made from pure cream or skimmed milk or cream of milk unless such article shall be branded or labeled with black letters not less than one inch in length in a conspicuous place and of large size in the English language as follows: "Skimmed milk cheese," or with the words "Not full cream cheese," giving the true name of such article called cheese and clearly and indelibly labeled thereon.

"FULL CREAM" AND "SKIMMED MILK" CHEESE DEFINED.

Sec. 4756. Cheese manufactured or sold at

wholesale or retail made from milk or cream of the same, which tests not less than 3 per cent of butter fat, shall be deemed to be "full cream cheese"; and cheese manufactured or sold from milk or cream of the same testing less than 3 per cent of butter fat shall be deemed to be "skimmed milk cheese" or cheese not made from pure unskimmed, unadulterated milk or cream of the same.

Sec. 4757. For a violation of sections 4755 and 4756, it is a misdemeanor punishable by a fine of not less than \$10 nor exceeding \$500, or confinement in the county jail not exceeding one year, or both.

Sec. 4758. Prevents the consignment or shipping by common carriers of any substances designed to be used as cheese, not made from pure unskimmed milk or cream of the same, testing at least 3 per cent butter fat, unless such cheese is marked or labeled "Skimmed milk cheese," or with the words "Not full cream cheese" labeled thereon; provided, this article shall not apply to any goods in transit between foreign states across the State of Missouri. Any person violating this section shall be deemed guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$500.

Sec. 4759. Contracts made in violation of this act are non-actionable.

Sec. 4760. It is a misdemeanor to efface or remove or cancel any marks or labels on any such article or cheese with intent to mislead punishable by a fine not less than \$50 nor more than \$500.

Sec. 4761. The State Board of Agriculture is charged with the enforcement thereof. Actions under this article may be brought by information or indictment in any court of competent jurisdiction.

BAKING POWDER.

Sec. 2286. It is unlawful for any person to manufacture or sell any article or compound for the purpose of being used in the preparation of food in which there is any arsenic, calomel, bismuth, ammonia or alum.

Sec. 2287. It is a misdemeanor to violate the foregoing section, punishable by a fine of not less than \$100 to be paid into and become a part of the road fund in the county in which such fine is collected.

UNWHOLESOME FOOD.

Sec. 2266. Every person who shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered while diseased, or shall sell the flesh of one animal knowing it to be of another species, or shall sell

Phosphate

A TISSUE FOOD

All doctors agree that the only entirely unobjectionable Baking Powder is one made with **Acid Phosphate** of Calcium, Bicarbonate of Sodium and the usual starch filler.

S. P. Is a Granular Phosphate made specially for Baking Powder without Alum. A Straight Phosphate Baking Powder made with S. P. is ideal, keeps well, sells well, leaves absolutely no unhealthful residue in the bread. **Far excels Cream Tartar Powder.**

C. A. P. In combination with Anhydrous Basic Aluminic Sulfate our C. A. P. makes a first class and wholesome Baking Powder. Most of the well known medium price independent brands of Baking Powder in the United States and Canada have been made so with C. A. P. It has an international reputation and is known to all Baking Powder manufacturers.

B. W. T. Unexcelled for fine Buck-Wheat Flour, Self-Raising Biscuit Flour. Makes all kinds of Pancake Flour.

B. C. T. **Bakers' Cream Tartar**, a substitute for Cream Tartar. Made from Acid Phosphate, is a decidedly healthful acid and is recommended to bakers for use in all goods in place of Cream Tartar, being much cheaper and more wholesome. Directions for use—same as Cream Tartar. **For sale by all Bakers' Supply Houses.**

Fructiphos **For Soda Fountain** purposes. Makes a delightful summer drink. The best nerve tonic that can be taken.

Jellyphos Is decidedly advantageous in Jelly. Gives a pleasant acid flavor, adds body, increases the yield. Jelly manufacturers like it.

Our entire energy for thirty years has been devoted exclusively to the manufacture of **Phosphatic** products, resulting in our manufacturing the most perfect goods that experience and scientific investigation can produce. We are pioneers in this line and solicit correspondence.

PROVIDENT CHEMICAL WORKS
ST. LOUIS, MO.

unwholesome bread or drink without making the same fully known to the purchaser; and any butcher who shall sell the meat of any calf killed before it had attained the age of six weeks shall be deemed guilty of a misdemeanor and punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail not exceeding one year.

Sec. 2269. Every person who shall adulterate anything intended for food or drink or any drug or medicine is guilty of a misdemeanor.

OLEOMARGARINE.

Sec. 2276. Prohibits the manufacture out of any oleagenous substance or compound of the same resembling butter, manufactured from cattle fat or hog fat or substance known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neural, all lard extracts and tallow extracts, and all mixtures and compounds of tallow, beef fat, suet lard, lard oil, vegetable oil, annatto, and other coloring matter, intestinal fat and offal fat other than that produced from unadulterated milk or cream from the same, of any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream from the same, or any article made in imitation of butter, unless the manufacturer shall pack said imitation butter in firkins or other packages with the true name clearly and indelibly branded or labeled thereon; and whoever shall sell as an article of food such an imitation unless said imitation is properly packed as aforesaid and marked as aforesaid shall be guilty of a misdemeanor and be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, or both.

Sec. 2277. Any hotel or boarding house keeper in this state who shall set before his guests any compound resembling butter manufactured from cattle fat, or hog fat, or such other article known to the trade as oleomargarine, and shall not clearly and legibly mark the vessel in which the same is served with the words "oleomargarine," or "impure butter," shall be guilty of a misdemeanor and fined not less than \$100 nor more than \$500.

CANDIES.

Sec. 2279. Prohibits the manufacture or sale of any candy by the admixture of terra alba, barytes, talc, or any other mineral substance, or by poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

Sec. 2280. Whoever violates the provisions of section 2279 shall be fined not less than \$50.

The candy so adulterated shall be forfeited and destroyed.

Sec. 2281. Prosecuting attorneys shall appear for the people and prosecute complaints under section 2279 in all the courts of their respective counties.

VINEGAR.

Sec. 2282. Any person who manufactures or sells as cider vinegar any vinegar not the legitimate product of pure juice known as apple cider, or vinegar not made exclusively of said apple cider, or vinegar into which foreign substances, drugs, or acids have been introduced, as may appear in the proper tests, shall be deemed guilty of a misdemeanor and be punished for every offense by a fine of not less than \$50 nor more than \$100 and costs, or by imprisonment in the county jail not to exceed 90 days.

Sec. 2283. Vinegar sold, offered for sale or delivered shall be without artificial coloring or flavoring, and no person shall sell, exchange or deliver or have in his possession with intent to sell any vinegar labeled or branded as cider vinegar, or as apple vinegar, which is not the legitimate product of pure apple juice, or not made exclusively from apple cider.

Sec. 2284. Every person making or manufacturing apple cider or fruit vinegar for sale shall brand on both heads of each cask, barrel or keg containing same the name and location of the manufacturer or firm, and also the name of the fruit out of which the vinegar is made; and where there are inspectors of fruit products vinegar shall be one of the articles under supervision of such inspectors, who shall have power to inspect and seize any that may be found fraudulent or in violation of sections 2282, 2283, 2284, or 2285.

Sec. 2285. No vinegar shall be branded "fruit vinegar" unless the same shall be made wholly from apples, grapes, or other fruits; and any person who shall knowingly brand, label or sell as "fruit vinegar" any vinegar not made wholly from apples, grapes, or other fruits, in violation of the foregoing section shall be guilty of a misdemeanor and punished as provided in section 2282.

LIQUORS.

Sec. 2278. Any person who shall adulterate by the use of strychnine or any other poisonous liquids or ingredients, any spirituous, fermented, malt or vinous liquors, or sell any such liquors by retail or wholesale adulterated as aforesaid, with knowledge thereof, shall be deemed guilty of a felony, and upon conviction be punished by imprisonment in the penitentiary not exceeding five years.

When such Eminent Men as these testify in court that

LAYTON'S HEALTH CLUB BAKING POWDER

**Is as Healthful and Efficient as
brands costing three times as
much it is time for the consumer
to consider their pocket books:**

DR. AUSTIN FLINT,

One of the founders of Bellevue Hospital
and Medical College, New York.

DR. E. ELLSWORTH SMITH,

Physiological Chemist, New York.

DR. PETER T. AUSTIN,

Head of the Austin Chemical Research Co., New York.

PROFESSOR E. H. KEISER,

Department of Chemistry, Washington University, St. Louis.

DR. W. B. OUTEN,

Chief Surgeon of the Missouri Pacific
and Iron Mountain Rys., St. Louis.

DR. LEGRAND ATWOOD,

Ex-Superintendent of the St. Louis and
Fulton, Mo., Insane Asylums.

DR. ALBERT MERRELL,

Practitioner of Medicine and Chemist,
St. Louis.

DR. T. F. PREWITT,

Member of Faculty, Missouri Medical College, St. Louis.

DR. GEORGE HOMAN,

Ex-Health Commissioner, St. Louis.

MR. EDWARD FLAD,

Water Commissioner, St. Louis.

We use the Best Material in the manufacture
of our goods that money will buy.

LAYTON PURE FOOD CO.,
EAST ST. LOUIS, ILL. ST. LOUIS, MO.

USE OF IMPURE BARRELS.

Sec. 2267. It is unlawful to use any barrel, lard tierce, preserve or butter tub once used for the purpose of storing or packing any article of human food therein, unless the same has been thoroughly cleaned or scoured before its subsequent use.

ALCOHOLIC BEVERAGES.

2288. Adulterated Hops, Malt, or Yeast in Beer; Penalty. No substitute for hops or the pure extract of hops, or of pure barley malt or wholesome yeast shall be used in the manufacture of ale or beer in this state, and all ale or beer shown to contain any substance used as a substitute for hops, or pure extract of hops, or pure barley malt or wholesome yeast, is hereby declared adulterated. Whoever manufactures for sale any ale or beer adulterated as referred to in this section, or sells or offers to sell any such ale or beer, knowing it to be adulterated as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five hundred and not more than five thousand dollars, or by imprisonment in the county jail not less than one month nor more than six months, or by both such fine and imprisonment.

2289. Liquor Dealers' Oath and Bond. It shall not be lawful for any person or persons to sell or offer to sell any spirituous, fermented, malt or alcoholic liquors within this state until he, she or they shall first appear before the county court clerk of the county where such liquors are to be sold or offered for sale, and take and subscribe an oath not to mix or adulterate, with any substance whatever, the liquors offered for sale, and give bond in the sum of five hundred dollars, with good and sufficient surety, for the payment of all costs arising from prosecutions for violations of the provisions of this article in relation to the adulteration and sale of intoxicating liquors.

2290. Liquor Manufacturers' Oath. It shall not be lawful for any person or persons to manufacture or rectify any spirituous, fermented, malt or alcoholic liquors within the limits of this state until he, she or they shall first appear before the county court clerk of the county where such liquors are proposed to be manufactured or rectified, and take and subscribe an oath not to adulterate, or suffer to be adulterated, any liquors manufactured or rectified by themselves or agents.

2291. Liquor Dealers' Affidavit. Before any person or copartnership of persons shall be authorized to sell intoxicating liquors he, she or they shall file with the clerk of the county court, in the county where it is desired to sell the same, an affidavit to the following effect, to wit:

I, A B, do solemnly swear that I will not mix or adulterate, with any poisonous substance whatever, any distilled or fermented liquors, or any composition of which distilled or fermented liquors form a part, nor will I mix the different kinds of liquors together for the sake of profit, nor dilute the same with water, nor will I permit the same to be done.

2292. Penalty. If any person or persons shall sell any spirituous, fermented, malt or alcoholic liquors in violation of or without complying with the three next preceding sections, he or they shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine of not less than fifty nor more than five hundred dollars.

2293. Druggists, etc., Exempt. Nothing herein shall be so construed as to prevent druggists, physicians or persons engaged in the mechanical arts from mixing and adulterating liquors for medicinal or mechanical purposes to be by them used in their business.

2294. Summons by Grand Jury. The grand jury may send for persons or papers in cases where they may be of the opinion that any person or persons have been guilty of violating any of the provisions of sections 2278, 2279, 2288, 2289, 2290, 2291, 2292 and 2293.—Revised Statutes, 1899, vol. 1, 632.

7682. (Sec. 1) Appointment of Inspector of Beer and Malt Products. There is hereby created the office of beer inspector which shall be filled by appointment by the governor by and with the consent of the senate, within thirty days after the taking effect of this act, an inspector of beer and malt products, who shall serve for a term of four years and until his successor is duly appointed and qualified. He shall be an expert beer brewer and a citizen of the United States and of this state for more than two years next prior to his appointment. He shall give a bond in the sum of twenty-five thousand dollars, to be approved by the governor, for the faithful performance of the duties of his office.

7683. (Sec. 2) Deputies and Clerical Help. Said inspector shall, with the approval of the governor, appoint such deputies as may be required to carry out the provisions of this article, not to exceed four in number, and such clerical help as may be necessary. Said deputies shall each receive for their services the sum of fifteen hundred dollars per annum, and said inspector shall receive the sum of three thousand dollars per annum, all salaries and expenses to be paid out of the sums of money now, or that may hereafter be, appropriated for said purpose.

7684. (Sec. 3.) Inspection of Beer Obliga-

DAVID NICHOLSON

Since our establishment,
over sixty years ago, we
handled only pure goods,
and shall continue to do
so whether pure food laws
are *adopted* or *not*.

DAVID NICHOLSON
S A I N T L O U I S

tory. Every person, persons or corporation who shall erect or keep a brewery for the manufacture or brewing of beer or other malt products within this state, for the purpose of offering the same for sale, shall cause the same to be inspected by the state inspector.

7685. (Sec. 4.) Use of Chemicals, Unwholesome Yeast, etc., Prohibited. No person, persons or corporation, engaged in the brewing or manufacture of beer or other malt liquors, shall use any substance, material or chemical in the manufacture or brewing of beer or other malt liquors, other than pure hops or pure extract of hops, or of pure barley, malt, or wholesome yeast, or rice.

7686. (Sec. 5.) Imported Malt Liquors to be Inspected and Affidavit Made as to Purity; Labels and Fees. Every person, persons or corporation who shall receive for sale or offer for sale any beer or other malt liquors other than those manufactured in this state shall, upon receipt of same, and before offering for sale, notify the inspector, who shall be furnished with a sworn affidavit, subscribed by an officer authorized to administer oaths, from the manufacturer thereof, or other reputable person having actual knowledge of the composition of said beer or other malt liquors, that no material other than pure hops or the extract of hops, or pure barley, malt or wholesome yeast, or rice, was used in the manufacture of same; upon the receipt of said affidavit, the inspector shall inspect and label the packages containing said beer or malt liquors, for which services he shall receive like fees as those imposed upon the manufacturers of beer and malt liquors in this state.

7687. (Sec. 6.) Records and Report of Inspector. The inspector appointed under this article shall provide himself with an office, and shall record on books kept for that purpose the names and places of business of all persons engaged in the manufacture, brewing and sale of beer and malt liquors. He shall keep a record of all beer and malt liquors manufactured, brewed or sold and the amount produced by each brewery or manufacturer, or sold by dealer. He shall keep a record of all fees collected and all expenditures incurred, and shall make a full and complete report of the same to the governor upon the first day of each year.

7688. (Sec. 7.) All Malt Products to be Inspected and Labeled. It shall be the duty of each inspector to cause to be inspected all beer or other malt liquors brewed or manufactured or sold in this state, and if he shall find that such beer or other malt liquor has been made from pure hops or the pure extract of hops, or of pure barley, malt or wholesome yeast, or

rice, to place upon the package containing such beer or malt liquor this label, certifying that the same has been inspected and made from wholesome ingredients.

7689. (Sec. 7a.) State Treasurer to Furnish Labels, etc. It shall be the duty of the state treasurer upon the taking effect of this article to provide suitable and inimitable state certificates and labels for this inspection, gauging and labeling having on each proper places for countersigning by the state treasurer and inspector, and shall safely keep the same together with the plates used in making them, when not in actual use. The state treasurer shall from time to time, upon demand, deliver the aforesaid labels to the inspector, taking therefor his receipt, and shall charge said inspector with the same; and shall from time to time as said inspector makes returns of moneys collected in the course of his inspection credit said inspector's account with such sums, and shall keep a true and correct book account of his dealings with said inspector.

7690. (Sec. 7b.) Fraudulent Use of Inspector's Labels; Penalty. It shall be unlawful for any person to attempt to make or make, to attempt to sell or sell, or attempt to use or use any of the certificates or labels or both provided for by this article, or imitations thereof, except such persons as by law are allowed to make, sell and use the same, and any person so offending shall be deemed guilty of a felony, and, upon conviction, be punished by imprisonment in the penitentiary for a term not to exceed five years.

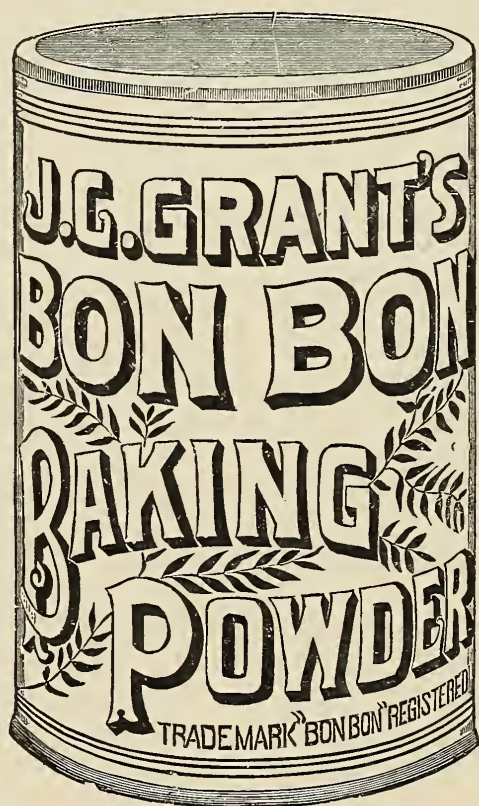
7691. (Sec. 8.) Inspector's Fees; "Package" Defined. The inspector shall be entitled to receive for inspecting and gauging one cent for each gallon contained in each package, and two cents for labeling each package. All fees received by the inspector shall be paid into the state treasury. The word package, as used in this article, shall be construed to mean any vessel of any kind other than pint and quart bottles in which any beer or malt liquor may be placed for sale, containing eight gallons or less; when said beer or malt liquors are placed in pint or quart bottles, a package, as used in this article, shall be construed to mean not to exceed forty-eight pint bottles or twenty-four quart bottles of beer or malt liquor, which, when manufactured and so bottled must, before sale, be placed in suitable cases containing said number and size of bottles, for inspection and stamping by said state inspector; and when said beer or malt liquors shall be placed in vessels containing more than eight gallons, the word package shall be construed to mean each eight gallons or fractional part thereof so contained in said vessel.

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7692. (Sec. 9.) Expenses, Salaries, etc.; Disposal of Fines. The expense of said office, including the salaries of the inspector and his deputies, shall be paid monthly out of the amount appropriated by law from the general revenue fund on warrants drawn by the state auditor on vouchers approved by the inspector, and all fees received by the inspector under the provisions of this article shall, on or before the last day of each month, be paid into the state treasury by said inspector, and shall be placed to the credit of the general revenue fund.

7693. (Sec. 10.) Sale of Uninspected Malt Products; Penalty. Any person who shall sell any beer or malt liquors within this state which has not been inspected according to the provisions of this article, or contained in packages which shall not have upon them the certificate of the state inspector, or any person shall fail to destroy said certificate or label after the contents of said package are disposed of, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period of not less than six months, and in addition thereto shall have his license or other authority, giving him the right to manufacture or sell said liquors in this state, revoked, and shall not again receive any such license or other authority for a period of two years thereafter.

7694. (Sec. 11.) Punishment of Delinquent Inspector. If any inspector shall fail to perform any of the duties imposed upon him by this article, or shall in any manner violate any of the provisions thereof, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days and by a fine not exceeding one thousand dollars, and if any said inspector shall fail to faithfully perform the duties enjoined upon him by this article he may be removed from office by the governor.

7695. (Sec. 12.) Prosecutions. All prosecutions for fines and penalties under the provisions of this article shall be either by indictment or information in any court of competent jurisdiction; and when collected shall be paid one-fourth to the informer and three-fourths into the fund for the construction of public roads and highways in the county in which said offense may have been committed and prosecution begun.

7696. (Sec. 13.) Inspection of Exported Malt Products. All beer or other malt liquors manufactured in this state and exported outside of the state for sale, shall be inspected as other liquors designated in this article, but said

inspection shall be free of cost to manufacturer.

7697. (Sec. 13a.) Duplicate Bill of Lading to be Furnished by Transportation Companies; Penalty. Every railroad, express or transportation company, shall, when requested, furnish to the inspector a duplicate bill of lading or receipt showing the name of the consignor and consignee, date, place received, destination and quantity of beer or malt liquors received by them for shipment to any point within this state. Upon failure to comply with the provisions herein, said railroad, express or transportation company shall forfeit and pay to the State of Missouri the sum of fifty dollars for each and every failure, to be recovered in any court of competent jurisdiction. The inspector herein provided for, is hereby authorized and empowered to sue in his own name at the relation and to the use of the state. The penalties collected shall be paid into the state treasury.

(Sec. 14.) Appropriation. There is hereby appropriated out of the state treasury, chargeable to the general revenue fund, for the years 1899 and 1900, for the pay of the inspector, six thousand dollars; for the pay of four deputies, twelve thousand dollars; for rent, stationery, fuel, printing, and such other things as may be necessary for the transaction of the business of said inspector, the sum of six thousand dollars.—Approved, May 4, 1899, Laws 1899, pp. 228-231 (Revised Statutes, 1899, vol. 2, pp. 1792-1795).

DRUGGISTS.

Sec. 3042. Every registered pharmacist, apothecary, or owner of any drug store shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in original packages of the manufacturer, and also those known as "patent medicines"; and should he adulterate such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor and be liable to a penalty not exceeding \$100, and in addition thereto have his name stricken from the register.

Sec. 6127. All cities are empowered to provide by ordinance for the inspection of all living animals intended as human food within such cities.

Sec. 6165. All cities may provide by ordinance for licensing and regulating the conduct of milk dairies, and the sale of milk and the inspection thereof.

FLOUR.

Sec. 10578. A barrel of flour shall consist of 196 pounds, net. A sack of flour shall con-

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Peaches
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*St. Louis Syrup & Preserving Co.,
St. Louis, Mo.*

sist of 98 pounds, net; a half sack of flour of 48 pounds, net; and a quarter sack of flour of 24 pounds, net. Prohibits manufacturers or dealers selling flour in barrels, sacks, or half sacks, or quarter sacks, containing a less amount than specified above. Before any barrel, sack, half sack or quarter sack of flour shall be sold the number of pounds contained

therein shall be labeled or stamped thereon. Any person who shall sell any package which shall be stamped or labeled with a greater number of pounds net than such package actually contains, or contrary to the provisions of this section, shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than \$10 nor more than \$100.

DECISIONS OF THE SUPREME COURT OF MISSOURI ON FOOD LAWS.

UNWHOLESOME FOOD. The wilful exposure of unwholesome provision for sale in a public open market is a punishable offense. *State vs. Snyder*, 44 Mo. App. 429.

UNWHOLESOME PROVISIONS. EXPOSURE. It is a criminal offense to expose unwholesome provisions for sale as food unless the fact that they are unwholesome is not known to the person who so exposes them. *State vs. Snyder*, 44 Mo. App. 429.

DECEITFUL NATURE OF ARTICLE. It is immaterial whether the article can be easily detected or not, or whether it is apt to deceive. *State vs. Addington*, 77 Mo. 110.

***ALUM BAKING POWDER. CONSTITUTIONALITY.** An act which makes it "unlawful for any person or corporation doing business in this state, to manufacture, sell or offer to sell any article, compound," etc., "for the purpose of being used in the preparation of food in which * * * there is any arsenic, calomel, bismuth, ammonia or alum" is not unconstitutional. And the fact that the baking powder which it suppresses has been long in public use and there is an open question as to its injuriousness to public health makes no difference. *State vs. Layton*, 160 Mo. 474.

BAKING POWDERS. The act of May 11th, 1899, regarding the sale of alum baking powder is within the police power and it is held that alum baking powder is not so universally and widely recognized as wholesome and innocuous that a court will take judicial notice of the fact that it is so wholesome and innocuous. *State vs. Lyton*, 160 Mo. 474.

LIQUORS. The revised statute of 1899, Sec. 3887, makes the adulteration of liquor a felony, and the revised statute of 1899, Sec. 3890, makes it unlawful to sell liquor without taking an oath and giving a bond not to adulterate it. Held "that it is an offense to either sell liquor without a bond or sell adulterated liquor under this act. *State vs. Crowley*, 37 Mo. 399.

LIQUORS. Under a statute allowing druggists and physicians to mix and adulterate liquors for medical or mechanical purposes it is necessary that they comply with the statute that requires that persons selling alcoholic liquors or dealing

in them must take an oath against adulteration. *State vs. Ferguson*, 72 Mo. 297.

LIQUORS—The law which prohibits the manufacture of beer or malt liquors from "any substance, material, or chemical, other than pure hops, or pure extract of hops, or pure barley, malt or wholesome yeast, or rice" is held to be accurate enough even though it does not name water as a proper material to be used. *State vs. Bixman*, 162 Mo. 1.

MILK. It is a valid exercise of the police power to prohibit the sale of milk containing less than 12 per cent of milk solids. *Kansas City vs. Cook*, 38 Mo. App. 660.

IMITATION BUTTER. Sec. 2, Laws of 1895, p. 26, prohibits the manufacture or sale of imitation butter. It is immaterial in a prosecution under the act that another section of the same act providing for the punishment of any subsequent offense as far as the guilty defendant is concerned is unconstitutional. The provisions of the act with regard to the first and subsequent offenses are not inseparable. A person convicted of selling substitutes for butter colored yellow under Section 2 can not avail himself of a plea that Sec. 5 regarding imitation butter and requiring it be marked in a manner therein prescribed is unconstitutional. *State vs. Bockstruck*, 136 Mo. 335.

It is within the police power of the state to prohibit the manufacture and sale of imitation butter. *Id.*

Sec. 8, Laws of 1895, p. 26, regarding imitation butter, does not contravene Sec. 53 of Art. 4 of the constitution regarding the "changing of rules of evidence in any judicial proceeding or inquiry before courts" because it provides that a person having in his possession or control any imitation butter shall be held to have it so with intent to commit a public offense. *Id.*

Sec. 2 of the Act is held to embrace Sec. 5, which requires imitation butter to be marked in a certain manner therein prescribed. *Id.*

IMITATION BUTTER. VALIDITY OF STATUTE. The unconstitutionality of one provision of an Act that fines imposed thereby shall be paid into the state treasury instead of the school fund does not render unconstitutional the

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Others to be *swallowed*,
And some few to be *(es)chewed*—*Bacon*, with apologies.

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*the goods composing which are selected on account of their
Drinking Merits.*

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M I N C E M E A T
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FANCY VINEGARS
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TABASCO SAUCE
SALAD DRESSINGS

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CORRESPONDENCE SOLICITED FROM GROCERS

GEO. A. BAYLE
ST. LOUIS, MISSOURI

provision imposing a fine for the manufacture, sale, keeping for sale, and fraudulent use of imitation butter. *State vs. Newell*, 140 Mo. 282.

OLEOMARGARINE STATUTES. A statute which absolutely prohibits the manufacture or sale of any compound designed as a substitute for butter, however wholesome, valuable, or cheaper, and however openly and fairly the character of the substance may be avowed and published, is constitutional. *State vs. Addington*, 77 Mo. 110, 12 Mo. App. 217.

OLEOMARGARINE. It is within the police power of the state to prohibit the sale of any imitation of butter or cheese. *State vs. Addington* 77 Mo. 110; 12 Mo. App. 214.

OLEOMARGARINE. When the statute prescribes that nothing therein shall be construed to prohibit the use of salt rennet, or harmless

coloring matter for coloring substitutes for butter manufactured for sale or export outside the state, an information which charges the defendant with selling a combination of animal fat with butter which resembles genuine butter, and is colored yellow by combining it with some foreign coloring matter, need not negative the exception in the statute. *State vs. Stocker* 80 Mo. App. 354.

Under the statute of March 24, 1881, regarding the manufacture and sale of oleaginous substances for food it is held that an intention to deceive is not an essential element of the offense, but that the act prohibits the manufacture or sale of the articles mentioned without regard to intention to commit the offense. *State vs. Addington*, 77 Mo. 110.

F. B. CHAMBERLAIN COMPANY

M A K E R S O F

PURE FOOD PRODUCTS

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MISSOURI

PURE FOOD LAWS OF MONTANA.

The State of Montana has no Food or Dairy Commission so called, but the legislature of 1903 has provided for the appointment of a State Meat and Milk inspector, and passed laws which it is his duty to enforce in regard to the production and sale of meat and milk, as hereinafter set out. This inspector has supervisory powers over these articles of food, and is charged with the enforcement of the law regarding them.

MONTANA MEAT AND MILK INSPECTION BOARD.

Dr. Wm. Treacy, President.
Dr. M. E. Knowles, Secretary.
Dr. Thos. D. Tuttle, Member.

A digest of the Dairy and Food Laws of this state is as follows:

ADULTERATION OF FOOD, ETC.

Sec. 682. Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article used in compounding them, with intent to offer or cause or permit it to be offered for sale as undiluted or unadulterated, is guilty of a misdemeanor.

Sec. 684. Every person who manufactures, offers or exposes for sale, or possesses with intent to sell, any article or substance in semblance of butter or cheese, not the legitimate product of the dairy, and not made exclusively of milk and cream, or into which the oil or fat of animals not produced from milk enters as a component part or has been introduced to take the place of cream, must distinctly stamp, brand or mark in some conspicuous place upon every tub, firkin or package of such article in plain letters not less than one-quarter inch square each the words "Oleomargarine" or "Imitation cheese," as the case may be, and in retail sale of such articles in parcels or otherwise the dealer must deliver to the purchaser a printed label bearing the plainly printed words "Oleomargarine" or "Imitation cheese," as the case may be.

Any person selling any article described in section 2, and every hotel, restaurant or boarding house keeper keeping or using such article in his business must continually and conspicuously keep posted up in not less than three exposed positions about his place of business a notice in the following words: "Oleomargarine," or "Imitation cheese" "sold (or used) here." Which notice must be printed in letters

not less than two inches square each, and he must upon furnishing the said article to his customers and guests, if inquiry be made, inform them that the article furnished is not butter or cheese, the genuine product of the dairy, but is oleomargarine or imitation cheese.

Sec. 686. Every person or corporation violating any of the provisions of the last two preceding sections is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding \$100.

IMPURE MILK.

Sec. 1095. Every person who keeps a cow or animal for the production of milk in a crowded or unhealthy place or diseased condition, or feeds such cows or animals upon any food that produces impure or unwholesome milk, is punishable by imprisonment in the state prison not exceeding three months or by fine not exceeding \$200, or both.

LICENSES TO SELL OLEOMARGARINE. POLITICAL CODE.

Sec. 4064. Provides, among other things, paragraph 13, that every person, company or corporation selling oleomargarine, butterine or imitation cheese, shall pay a license of ten cents per pound for all these articles sold.

Sec. 652. Provides that proprietors of pharmacies shall be held responsible for the quality of drugs and medicines and chemicals sold at their respective places of business, except patent or proprietary preparations, and articles sold in original packages of the manufacturer. Any person who shall wilfully adulterate or alter or permit to be adulterated, any drug or medicine, or sell or offer for sale such adulterated article, or cause to be substituted one material for another, with intent to defraud or deceive the purchaser, shall be guilty of a misdemeanor and liable to prosecution therefor.

ADULTERATED CANDY. PENAL CODE.

PAGE 151, SESSION LAWS OF 1899.

Sec. 1. Provides that section 702, Title X, of the Penal Code of Montana is amended to read in substance as follows:

Sec. 702. Every person who shall by himself, his agent or servant, or as agent of another person, manufacture for sale or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or other mineral substance, by poisonous colors or

flavors, or other ingredients deleterious to health, is guilty of a misdemeanor.

Sec. 2. This act shall be in force and effect after its passage and approval by the governor.

Sec. 3. Repeals all acts in conflict therewith. Approved Feb. 22, 1899.

LAWS OF 1903.

DAIRY LAWS.

MEAT AND MILK INSPECTOR.

An Act Entitled An Act to Create the Office of Meat and Milk Inspector for the State of Montana, and prescribing their powers and duties and Compensation Therefor.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. The office of Meat and Milk Inspector is hereby created in the State of Montana for the Counties of the first, second and third class, and immediately on the passage of this Act, the President and Secretary of the State Board of Health and the State Veterinarian shall appoint a Meat and Milk Inspector for the Counties of the first, second and third class, and when deemed necessary by the President and Secretary of the State Board of Health and the State Veterinarian, or upon the request of one hundred taxpayers in the Counties of the fourth, fifth, sixth and seventh classes, they shall then appoint a Meat and Milk Inspector for said Counties of the fourth, fifth, sixth and seventh classes.

Section 2. Such Meat and Milk Inspectors shall be designated Deputy State Veterinarians, and shall make report at the end of each calendar month to the State Veterinarian of all things pertinent to their office, and shall also make an annual report at the end of the fiscal year, addressed to the State Veterinarian.

Sub-Division 1. Said Inspectors of the Counties of the first class shall receive an annual salary of Two Thousand Dollars (\$2,000.00).

Inspectors of the second class Counties shall receive One Thousand Five Hundred Dollars (\$1,500.00) annually; Inspectors of the third class Counties shall receive One Thousand Two Hundred Dollars (\$1,200.00) annually; Inspectors of the fourth class Counties shall receive One Thousand Dollars (\$1,000.00) annually; Inspectors of the fifth class Counties shall receive Seven Hundred and Fifty Dollars (\$750.00) annually; and Inspectors of the sixth and seventh class Counties shall receive Six Hundred Dollars (\$600.00) annually, to be paid out of the general State fund monthly.

Sub-Division 2. No person shall be appointed to the office of Meat and Milk Inspector unless he is a graduate in good standing of some

regular and reputable Veterinary Medical college, or of some regular and reputable Medical college, or of a Medical Department of a University, and must be registered and admitted to practice in the State of Montana, and before such appointment he shall be required to exhibit his diploma as such graduates, and if deemed necessary by the above mentioned Board, he shall pass an examination before said Board upon the specialty of Meat and Milk Inspection.

Section 3. All inspectors appointed by the above mentioned Board shall be under the direct supervision of the State Veterinary Surgeon, and for cause may be removed at any time by said Board, consisting of the President and Secretary of the State Board of Health and the State Veterinarian.

Sub-Division 4. The rules, regulations and methods of inspection adopted by the Bureau of Animal Industry of the United States Government, supplemented by any rules deemed necessary by the aforementioned Board, shall be taken as the standard of Meat Inspection, and shall be followed as closely as may be consistent by said Meat and Milk Inspectors appointed by said Board, provided said Inspectors are hereby empowered to enter any premises or any place whatsoever where animal food products are kept for sale, slaughter houses, markets, stores, or any building or premises of whatsoever character necessary for him to visit in the performance of his duties.

Section 5. The Meat and Milk Inspector appointed by said Board shall have the right to condemn any meat, carcasses, or parts of carcasses, poultry or fish, or parts thereof, or all cattle, sheep, swine, poultry, fish, or any domestic animal whatsoever, intended for food for human consumption, which is found, after examination, to be unfit for food, and it shall be said Inspector's duty to destroy all such contaminated meat or poultry or fish by slashing said meat or muscular tissue, or poultry or fish, or carcass, or parts of carcasses of any domestic animal whatsoever, in numerous places, with a knife, and into such incisions said Inspector shall then pour or inject with a suitable syringe sufficient kerosene to taint such meat or food product, and make it impossible to be used for human consumption.

Section 6. Any person, persons, or corporations selling or dealing in fresh meats, fish and poultry, in counties in which a Meat and Milk Inspector is appointed, shall annually before the first day of June, register in the books of such Inspector, and shall pay an inspection license to such Meat and Milk Inspector, in the sum of Fifteen Dollars (\$15.00) per annum.

payable quarterly in advance, and each and every wholesale and retail dealer handling, selling or dealing in fresh fish and poultry where fresh meats are not sold or dealt in, shall pay an inspection license to such Meat and Milk Inspector in the sum of Four Dollars (\$4.00) per annum, quarterly in advance, and all moneys so collected by said Inspector shall be by him paid into the State Treasury, quarterly, as received, to be turned into the General fund, and receipted therefor by the Treasurer to such Inspector.

Section 7. It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away, for the purpose of food, any animal suffering from hog cholera, swine plague, charbon or anthrax, rabies, malignant epizootic, catarrh, pyaemia or septicaemia, mange or scab in advanced stages, actinomycosis, or lump jaw, inflammation of the lungs, the intestines or peritoneum, Texas fever, extensive or generalized tuberculosis, animals in an advanced stage of pregnancy, or which have recently given birth to young, any disease or injury causing an elevation of the temperature or affecting the system of the animal to a degree which would make the flesh unfit for human food; any organ or part of the carcass which is badly bruised or affected by tuberculosis, actinomycosis, cancer, abscess, superating sores or tape worm cyst, poultry or fish or other animal food products in a decaying or putrid condition, or poultry suffering from tuberculosis or other general disease, animals too young and immature to produce wholesome food, distemper, glanders, and farcy, or any other malignant disorder, acute inflammatory lameness and extensive fistula.

Section 8. Nothing in this Act, or any paragraph thereof, shall be so construed as to interfere with the offerings for sale of any wholesome meats, bearing the stamp or tag indicating that the same has been inspected by the United States Bureau of animal industry, or of any State or County, or municipal inspector. Provided, however, that if there is any reason to believe that such meat is in a putrid decaying or unwholesome condition, it shall be said Inspector's duty to inspect such meat whenever complaint is made to him relative thereto, or he personally has reason to believe that such conditions exist, and should he find such meat in a putrid decaying condition, or preserved by chemical preservatives, or in any condition making it unwholesome for human consumption, it shall then be his duty to destroy such meat, as is herein provided.

Section 9. It shall be the duty of such Meat and Milk Inspector to inspect each dairy supplying milk to the public in his County for

human consumption not less than once in every month during the calendar year, and it shall be the duty of such Inspector to issue to each person, persons, or corporations, supplying milk to the citizens of such Counties of the State of Montana, a certificate of health every ninety days, which certificate of health shall include a certificate of the sanitary condition of such dairy.

Section 10. It shall be unlawful for any person or persons, company or corporation, to feed unwholesome food of whatsoever character to his dairy cows. Each dairyman, person, persons, company or corporation, supplying milk to the public, must have for each cow, his certificate of health, including the tuberculin test made by said Inspector, stating that each cow is free from tuberculosis or consumption, or any other infectious disease whatsoever.

Section 11. Whenever in the observation of the Meat and Milk Inspector, proper cleanliness of vehicles, utensils, pails, pans, or other utensils, used in the accumulating, handling or marketing of said milk is not up to the proper standard, it shall be the Inspector's duty to prohibit the said person, persons or corporation from selling said milk, until such a time as proper methods of cleanliness and precautions are used in the handling of said milk.

Section 12. All persons or corporations engaged in the dairy business and supplying milk to the citizens of the State of Montana, shall keep their barns or stables free from filth or manure or other substances likely to harbor or favor the growth of disease producing germs therein, or about their stables or barns likely to be carried in, or to contaminate such milk or dairy product.

Section 13. Any resident of the State of Montana, to whose knowledge or observation comes the fact that any dairyman, person, persons, or corporation, is supplying milk from any diseased cattle, or cattle fed on stable bedding, stable refuse, or any improper food of any character whatsoever, it shall be his duty to at once notify said Inspector of such County, who shall at once visit the premises or place indicated, and if he finds said complaint true, it shall then be said Inspector's duty to at once prohibit the future selling of the product of said dairy dealer or corporation, and to at once file an information against said dairyman, person or persons, corporations or dealer.

Section 14. Such Inspector shall keep in his book of records kept for the purpose the names and place of business of all persons engaged in the sale of milk and cream within the County, and the Inspector is hereby empowered to enter all places in which milk, cream, or dairy products are stored or offered for sale, and all vehi-

cles used for the conveyance of milk or cream, and may take therefrom samples for analysis.

Sub-Division 1. The Inspector shall, upon request made at the time such sample is taken, take, seal and deliver to the owner or person from whose possession the milk or cream or dairy products are taken, a portion of each sample, and a receipt therefor shall be given.

Sub-Division 2. The Inspector shall analyze such sample, or otherwise satisfactorily test the same, and shall record and preserve such record as evidence of the result thereof, but no evidence of the result of such analysis or test shall be received if the Inspector, on request, refuses or neglects to seal and deliver a portion of the sample, taken as aforesaid, to the owner or person from whose possession it is taken.

Section 15. Any person, persons, or corporation, in Counties in which a Meat and Milk Inspector is appointed, who conveys milk or cream in vehicles of any character whatsoever, for the purpose of selling it in such Counties, shall annually, before the 1st day of June, be licensed by the Meat and Milk Inspector of said County to sell milk and cream within the limits thereof, and shall pay to such Inspector for each and every vehicle of whatsoever character used in the sale or delivery of such milk or cream or dairy product, the sum of Twelve Dollars (\$12.00) per annum, payable quarterly in advance, which sums shall be paid into the State Treasury by such Inspector, quarterly, as received, to be turned into the general fund, and receipted therefor by said Treasurer to said Inspector.

Sub-Division 1. Licenses shall be issued only in the name of the owner of the vehicles, carriages or other conveyances.

Sub-Division 2. Such license shall, for the purposes of this Act, be conclusive evidence of ownership, and shall not be assigned or transferred.

Sub-Division 3. Each license shall contain the number thereof, the name, the residence, the place of business, the number of vehicles used by the person, persons, or corporations, and the name of every driver or other person employed by the owner or owners in carrying, conveying or selling milk or cream.

Sub-Division 4. Each person, persons, or corporations shall, before engaging in the sale of milk or cream, or dairy products of any character whatsoever, cause his name and number of his license to be placed legibly on each outer side of all carriages, vehicles or conveyance of whatsoever character used by him in the conveyance for sale of milk or cream.

Sub-Division 5. Every person or persons, company or corporation, before selling milk or

cream, or offering the same for sale in a store, booth, stand, market-place, depot, or any place whatsoever, in a County in which a Meat and Milk Inspector is appointed, shall register in the books of such Inspector his or her name, or the name of the company or corporation, and proposed place of sale.

Sub-Division 6. Nothing in Section 15, with the exception of Sub-Division five, shall be construed to apply to dairies milking five cows, or less.

Section 16. Any person or persons, or servant or agents, or any other person who sells, exchanges, delivers, gives away, or has in his custody or possession, with intent to sell, exchange, or deliver, or give away or expose, or offer for sale or exchange adulterated milk or cream or milk or cream containing filth or dirt, or milk or cream to which water, boracic acid, salt, salicylic acid, and salicylate of sodium, formaldehyde, formaline, cornstarch, gelatine, isinglass, coloring matter, or any other extraneous substance has been added, or milk produced from cows which have been fed on swill or other improper food, or from sick or diseased cows, or whole milk from which the cream, or a part thereof, has been removed, and whosoever sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, deliver or give away, skimmed milk, containing less than nine per cent of milk solids, exclusive of fat, shall be deemed guilty of a misdemeanor, and shall be punished, as provided in Section 23 of this Act.

Section 17. On any prosecution under the provisions of this Act, milk upon which analysis is shown to contain less than twelve per cent of total solids, or less than nine per cent of solids exclusive of fats, or less than three per cent of fat, shall not be considered milk of good standard quality, and cream containing less than fifteen per cent of fat, which shall be the standard of quality for the State of Montana, shall not be considered cream of good standard quality.

Section 18. It shall be unlawful for any person, or persons, company or corporations, by his or their servant or servants, agent or agents, or as the servants or agents of any other person, persons or corporation, to sell or offer for sale, exchange or deliver, or give away, or have in his or her custody or possession, with intent to sell, exchange or deliver, milk, or cream, which is not of good standard quality, as above prescribed.

Section 19. Any person, persons, or corporation, who, by his or their agent or agents, sells, exchanges, gives away, or delivers, or has in his custody, with intent to sell, exchange or de-

liver milk from which the cream or part thereof has been removed, not having the words "Skimmed Milk" distinctly marked on a light ground in plain, dark, uncondensed Gothic letters, at least one inch in length, in a conspicuous place upon every receptacle, can or package, from, or in which such milk is contained, or is intended to be sold, exchanged, given away, or delivered, shall be punished, as provided in Section 23 of this Act.

Sub-Division 1. If such receptacle, can or package is of capacity of not more than two quarts, the said words may be placed upon a detachable label or tag attached thereto, and said letters may be less than one inch in length.

Sub-Division 2. Any milk found in such receptacles, vessels or cans, containing more than one per cent of butter fat, shall not be considered, within the meaning of this Act, "Skimmed Milk."

Section 20. It shall be unlawful for any person or persons, company or corporation, to cause, to make, or cause to be made, or use or have in his or her, or their possession, an imitation or counterfeit of a seal used by the Meat and Milk Inspector in the inspection of milk or cream, or to change, or tamper with the sample taken or sealed by the said Inspector.

Sub-Division 1. It shall be unlawful for any Meat or Milk Inspector, his servant or agent, to willfully obstruct or assist in the violation of the provisions of this Act, or whoever hinders, obstructs or interferes with the Meat and Milk Inspector, or his servant or agent, in the performance of his duty, shall be guilty of a misdemeanor.

Sub-Division 2. The Inspector shall prohibit the sale of milk by any person, persons, company, or corporation supplying milk or cream or dairy products from cows that are permitted to drink contaminated or unwholesome water, of any character whatsoever.

Section 21. The President and Secretary of the State Board of Health and the State Veterinarian, are hereby empowered to establish any further rules and regulations necessary for the efficient management and carrying out

of said inspection, and the regulations of the Inspectors themselves.

Section 22. There is hereby appropriated the sum of One Thousand Dollars (\$1,000.00) for the purpose of buying such chemical and other apparatus as may be absolutely necessary for the purpose of each Inspector in the chemical examination of meat and milk, together with buying and supplying such inspectors with the necessary record books, tags, labels, brands or marks, designated by the State Veterinarian, to be paid for on approval of said Board out of the said funds. Said apparatus shall be purchased by the President and Secretary of the State Board of Health and State Veterinarian, and be supplied to each County Meat and Milk Inspector, provided that no money shall be paid out of this fund, except on the approval of said Board, and for the purposes above mentioned.

Section 23. Any person or persons, company or corporation who violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not less than Five Dollars (\$5.00), nor more than three Hundred Dollars (\$300.00), or imprisonment in the County Jail not less than ten, or more than ninety days, for each separate offense, or by both such fine and imprisonment, and the continuance of such offense for any day shall be deemed a separate offense.

Section 24. Immediately after the appointment, and before taking office, such Inspector shall file with the Secretary of the State an oath of office, subscribed to by him, and file a bond for a sum equal to his annual salary, for the faithful performance of his duty. Said bond shall be furnished with good and sufficient sureties, and be approved by the Secretary of State.

Section 25. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 26. This Act shall take effect and be in force from and after its passage.

Approved March 7, 1903.



W. F. THOMPSON,
In Charge of Food Department,
Lincoln, Neb.



G. H. WALKER,
Chemist Nebraska Food Commission.

NEBRASKA FOOD COMMISSION.

PURE FOOD LAWS OF NEBRASKA.

In the session of the General Assembly of the state of Nebraska held in 1899, an act was passed creating a food commission, and providing penalties for the violation of the pure food laws. The commission thus created, its powers and duties, and the laws which said commission is charged with enforcing, are in substance as follows:

NEBRASKA FOOD COMMISSION.

John H. Mickey, Governor, Food Commissioner.

W. F. Thompson, Deputy Commissioner.

G. H. Walker, Chemist.

Section 1, chapter 35, Statutes of Nebraska. There is hereby created a food commission, for which the usual facilities for transacting business shall be furnished the same as for other executive departments.

Sec. 2. The governor is made the food commissioner of said commission. He may appoint a deputy food commissioner at a salary of \$1,500 per annum and expenses. Said deputy commissioner shall file monthly with the auditor of public accounts an itemized account of expenses. Said deputy commissioner shall hold his office at the pleasure of the governor, and exercise equal power in the administration of food laws, subject to the approval of the governor. The deputy food commissioner shall be a person of standing and ability and knowledge concerning dairy and other food products.

Sec. 3. He shall give a bond in the sum of \$3,000 to be approved by the governor. He may employ a clerk at a salary not exceeding \$75 per month, and he shall make an annual report to the governor on or before the first day of November of each year concerning the condition of food and dairy interests of the state and his recommendations thereon.

Sec. 4. The food commissioner is charged with the enforcement of this act, and all laws concerning butter, cheese, "imitation butter," "imitation cheese," milk and cream, vinegar, cider, and all laws concerning dairy products, cider or vinegar, or imitations or adulterations thereof. The food commissioner shall have control over the subject of testing milk and cream and may make such regulations concerning such subject as he may deem reasonable and just. He shall have the power to establish a minimum standard of butter fat in milk and cream. Said commissioner and his officers shall have full access and ingress and egress to all creameries,

cheese factories, skimming stations, cider manufactories, vinegar manufactories, farms, buildings, carriages, cars, vessels, packages and cans used in the manufacture or sale of any such dairy product, cider or vinegar, or imitation thereof. They shall also have power and authority to open any package, can or vessel containing such dairy product, or article before specified, and may inspect same and take samples therefrom for analysis. A chemist analyzing same shall be allowed a reasonable fee not to exceed \$5 for each analysis, and his finding shall be prima facie evidence in all prosecutions under this act of the facts certified by him.

Sec. 5. Every person, excepting retailers, manufacturing or dealing in imitation butter or imitation cheese shall, on or before the 10th day of each month, on a blank provided by said food commissioner, make a report in writing showing the amount of imitation butter or imitation cheese sold by him during the month preceding, size of package used, to whom and when sold and the address of the purchaser, amount of every article on hand at the end of the month's business, and other items, in a manner required by said food commissioner, verifying same under oath; provided that the retailer shall not be required to state to whom sold nor the location of the purchaser.

Sec. 6. Every person who in any manner produces "imitation butter" or "imitation cheese," as herein defined, shall be considered a manufacturer thereof.

Every person who sells "imitation butter," or "imitation cheese" as defined herein shall be deemed a wholesale dealer therein.

Every person who sells "imitation butter" or "imitation cheese" in packages containing less than ten pounds each shall be deemed a retailer of same.

Every person buying, working and handling the product known as "store" or "dairy" butter and making out of same what is known as "ladle" butter or "factory" butter shall be deemed a manufacturer of "ladle" butter.

Every person buying or selling butter or cheese, or both, in original packages not of his own production, whether on commission or otherwise, shall be deemed a wholesale dealer therein.

Every person who manufactures or sells annually 50 or more barrels of cider as defined in chapter 3 of the session laws of 1897 shall be deemed a wholesale dealer therein.

Every person who sells or manufactures ten or more barrels of cider vinegar as defined in chapter 4 of the session laws of 1897 shall be deemed a wholesale dealer therein.

Every person who manufactures or sells annually fifty or more barrels of so-called "grain" vinegar, "wine" vinegar, or "fruit" vinegar, as defined in chapter 4 of the session laws of 1897, shall be deemed a wholesale dealer therein.

A creamery is defined as "a factory where cream from milk with or without the addition of sale and coloring matter is churned into butter."

A cheese factory is defined to be "a factory where milk with or without the addition of salt, rennet and coloring matter is manufactured into cheese."

A "skimming station" is defined as "a place where milk from not less than five patrons is skimmed by machinery and the cream resulting therefrom is taken to a creamery to be churned."

Sec. 7. It is unlawful for any manufacturer, wholesale dealer or retail dealer in "imitation butter" or "imitation cheese," or both, to enter upon or engage in the business of producing, manufacturing, handling or selling "imitation butter" or "imitation cheese" without first procuring from the food commissioner an annual permit, describing the occupation and place of business of the person receiving the same, and conditioned for a faithful performance of the laws. Provided, that any manufacturer of "imitation butter" or "imitation cheese" who sells only "imitation butter" or "imitation cheese," or both, of his own production, at the place of manufacture into original packages, shall not be required to take out a permit as a wholesaler. It is unlawful for any person to manufacture "ladle" butter or to carry on the business as a wholesaler in butter or cheese, as a wholesale dealer in cider or in adulterations thereof, or in cider vinegar, or in so-called "grain" vinegar, "wine" vinegar, or "fruit" vinegar, or to operate any creamery, cheese factory or skimming station, or do any business in producing, handling or selling the products so made, without first securing from the food commissioner an annual permit describing the occupation and place of business as in the foregoing paragraph. All applications for permits shall be addressed to the food commissioner, verified by the applicant that he has not violated any of the provisions of this act. The food commissioner shall have the right at any and all times to inspect the premises, methods and processes of any creamery, cheese factory, skimming station, manufacturer of ladle butter, dealer in butter and cheese, manufacturer of cider or adulterated cider, or of vinegar, "grain" vinegar, "wine" vinegar, or "fruit" vinegar, wholesale

dealer or dealer in adulterated cider or in cider vinegar, or in "grain" vinegar, "wine" vinegar, or "fruit" vinegar, manufacturer or imitation butter or imitation cheese, or wholesale or retail dealer within the provisions of this act or other acts relating to dairy productions, cider or vinegar, or imitations thereof.

Sec. 8. For all the services performed in connection therewith, including the inspection, as provided herein, there shall be charged and collected annually as follows:

From each manufacturer of imitation butter or imitation cheese the sum of \$100; from each wholesale dealer therein \$50; from each retail dealer therein \$25; from each manufacturer or wholesale dealer in adulterated cider \$50; from each manufacturer or wholesale dealer in so-called "grain" vinegar, "wine" vinegar, or "fruit" vinegar \$50; from each manufacturer or wholesale dealer in cider \$15; from each manufacturer or wholesale dealer in cider vinegar \$15; from each creamery \$10; from each cheese factory \$10; from each skimming station \$1; from each manufacturer of "ladle" butter \$15; and from each wholesale dealer in butter or cheese \$10; payable in each case into the treasury of this state as provided by law in advance of the issuance of permits.

Sec. 9. If any person shall be convicted of a wilful violation of any of the provisions of this act, such conviction shall *ipso facto* work a revocation of said permit, and the same shall be void.

Sec. 10. County attorneys on the request of the food commissioner shall prosecute offenses arising under the provisions of this act.

Sec. 11. It is a misdemeanor to violate this act, punishable by a fine of not less than \$10 nor more than \$100. A failure to take out a permit as above described shall constitute in any of the above cases a separate and distinct offense for each day.

Sec. 12. The sum of \$5,000 is appropriated for carrying into effect the provisions of this act.

IMITATION BUTTER AND IMITATION CHEESE.

Section 1, chapter 78. Every article, substitute or compound other than that produced from pure milk or cream from the same, in resemblance of butter, and designed as a substitute for pure butter, and declared to be imitation butter; and every article, substance or compound made in resemblance of cheese, to be used as a substitute for cheese made from pure milk, or cream from the same, is declared to be imitation cheese. Provided, that the use of salt, rennet, or other harmless coloring matter for coloring the product of pure milk or cream

shall not be construed so as to render such product an imitation.

Sec. 2. Prevents the coating, powdering or coloring with annatto or any other matter whatever of any substance as a substitute for butter and cheese for the purpose of resembling pure butter or cheese, the product of the dairy. No person shall combine animal fat or vegetable oil or other substance with butter or cheese; or combine with annatto or compound with the same or any other substance containing the same, or any coloring matter, with imitation butter or imitation cheese as defined in section 1 for the purpose of imparting thereto a yellow color or any shade of yellow so that such imitation butter or imitation cheese shall resemble any shade of genuine butter or cheese; nor introduce coloring matter or any substance containing same into any of the articles of which the same is composed; provided, this act shall not prohibit the use of salt, rennet or harmless coloring matter for coloring the product of pure milk, or cream from the same.

Prevents the manufacture or sale of any imitation butter or cheese manufactured, compounded or produced in violation of this section, whether in this state or elsewhere.

Every tub, firkin or box containing imitation butter sold or offered for sale in violation of this section shall constitute and is hereby declared a separate and distinct offense on the part of the person selling or offering same for sale; and any person violating any of the provisions of this section shall be fined \$10 nor more than \$20 for each offense; and provided further, that this section shall not prohibit the manufacture and sale under the regulations hereinafter provided of substances designed to be used as a substitute for butter or cheese and not manufactured or colored as herein prohibited.

Sec. 3. Every person who lawfully manufactures any substance as a substitute for butter or cheese shall distinctly stencil upon the top and sides of such tub, firkin or other package thereof, in a plain, legible and durable manner, the words "imitation butter" or "imitation cheese," in plain Roman type, in the English language, in letters not less than one inch in length by one inch in width.

Sec. 4. No person shall ship, consign or forward by any common carrier, public or private, any substance as a substitute for butter or cheese, and no carrier shall knowingly receive same unless it be manufactured as provided in the foregoing section, or be consigned to the carrier and receipted for by its true name. Provided, this act shall not apply to any goods in transit between foreign states across the state of Nebraska.

Sec. 5. No person shall have in his possession or control any substance as a substitute for butter or cheese, unless the tub or package containing the same be marked as provided in section 3; provided, that this section shall not apply to persons using the same for actual consumption by themselves and family. Any person having in his possession or control substances herein prohibited, not marked as required, shall be presumed to have known of the true character and name of such product as fixed by this act.

Sec. 6. Prohibits the sale of any substance as a substitute for butter or cheese under the name or pretense that the same is butter or cheese; and also prohibits the sale as a substitute for butter or cheese of any substance, unless the purchaser is informed of such substitution, and unless there shall be delivered to the purchaser a statement clearly printed in the English language referring to the article sold in plain Roman type and stating that the same is a substitute for butter or cheese and the name and place of residence of the maker.

Sec. 7. No keeper or proprietor of any bakery, hotel, public institution, dining car, restaurant, saloon lunch counter, or place of public entertainment, or boarding house, shall keep or use as food any imitation butter or imitation cheese, as defined in section 1 herein, unless he shall display a card opposite each table in a conspicuous place in the dining room, eating room, lunch room, restaurant, hotel, etc., or place where such substance is so sold, which card shall be white and in design not less than 10 by 14 inches upon which shall be printed in plain black Roman letters not less in size than one inch in length by one-half inch in width the words "imitation butter used here" or "imitation cheese used here," as the case may be; and said card shall not contain any other words than the ones above described. Any person violating the provisions hereof shall be punishable by a fine of not less than \$25 nor more than \$50, or by imprisonment in the county jail not more than 30 days.

Sec. 8. Whoever shall violate sections 3, 4, 5, 6 and 9 of this act shall for the first offense be punished by a fine of not less than \$25 nor more than \$50, or be imprisoned not exceeding 30 days; and for each subsequent offense by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail not less than 30 days nor more than six months, or both.

Sec. 9. No action can be maintained on account of any sale or other contract in violation of this act, or by or through any person knowingly a party to such wrongful sale or contract.

Whoever shall mutilate, obscure, conceal, efface, cancel or remove any mark provided for by this act, or with intent to mislead, deceive or violate this act, shall be guilty of a misdemeanor.

Sec. 10. Whoever sells to any person who asks, sends or inquires for butter, imitation butter, or imitation cheese, or any substance in imitation of pure butter, not made entirely from milk or cream, with or without coloring matter, shall be guilty of a fraud and punished by a fine of not less than \$25 nor more than \$50 for each offense.

CIDER.

Section 1, chapter 3, Session Laws of 1897. Prevents the sale of any cider or any preparation thereof containing salicylic acid, formaline, preservit, antiferment, or any other drug, chemical or substance that does not belong to the apple in its natural state.

Sec. 2. Cider is defined as "pure apple juice, absolutely free from any foreign substance."

Sec. 3. Prevents the manufacture or sale of any product as cider which is not cider.

Sec. 4. Any person manufacturing or selling adulterated cider shall plainly mark on the head of each keg, barrel or package "adulterated cider," together with the approximate proportion of drug, chemical or other substance which it contains.

Sec. 5. County attorneys shall inquire into complaints that adulterated cider is being sold in any county; and any such attorney or his deputy or appointee shall have access to all places where cider is made or kept for sale, and shall have power to open any barrel or package containing same, and inspect same, and take samples for analysis, and if the investigation sustains the charge he shall forthwith file information and prosecute as in criminal cases.

Sec. 6. Whoever violates this act shall be fined \$50 nor more than \$100, or imprisoned not less than 30 days nor more than 100 days, or both, for each offense, and pay costs incurred in inspection and analysis of such cider.

VINEGAR.

Section 1, chapter 4, Session Laws of 1897. Prohibits the manufacture of any vinegar as apple, orchard or cider vinegar which is not the legitimate product of pure apple juice; or cider into which any foreign substance, drug or acids have been introduced, which upon proper test shall contain less than two per cent by weight of cider vinegar solids, upon full evaporation at the temperature of boiling water.

Sec. 2. Requires that each cask, barrel or package containing cider vinegar be marked with the name and place of business of the

manufacturer, and the words "cider vinegar," and no person shall falsely brand same.

Sec. 3. Every person manufacturing or selling any of the so-called "grain" vinegar, "wine" vinegar, or "fruit" vinegar, shall market same without artificial coloring, with a brand or label on each barrel, cask or package indicating the name and place of business of the manufacturer, and with the name of the grain or fruit from which the contents were made.

Sec. 4. All vinegar shall be made wholly from fruit or grain from which it purports to be made, and shall contain no artificial coloring, and shall contain not less than four per cent by weight of absolute acetic acid.

Sec. 5. Prohibits the manufacture or sale of any vinegar containing any preparation or lead, copper, sulphuric or other mineral acids or other ingredients injurious to health.

Sec. 6. The duty of the county attorney is the same in this section as defined in section 5 of the laws relating to cider.

Sec. 7. The penalty for violating this section is the same as for the violation of section 6 of chapter 3 relating to cider.

NEBRASKA STANDARDS.

Minimum Standard of Butter Fat in Milk and Cream.

(Established by proclamation.)

I, Ezra P. Savage, governor of the state of Nebraska, by virtue of the authority vested in me by law as said (food) commissioner, ex-officio, do hereby fix and establish as the minimum standard 3 per cent butter fat for milk and 15 per cent butter fat for cream. And I do hereby require that all milk and cream bought and sold or offered for sale within the state of Nebraska for consumption in their respective forms shall be at least of the foregoing standard and the sale or offering for sale of either at a lower standard is hereby declared to be unlawful.

Skimmed or Adulterated Milk.

Whoever shall knowingly sell to any person or persons, or sell, deliver, or bring to be manufactured to any cheese or butter manufactory in this state, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strippings," with intent to defraud, or shall knowingly sell the product of a diseased animal or animals, or shall knowingly use any poisonous or deleterious material in the manufacture of cheese or butter, shall be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars, and be liable in double the

amount of damages, to the person or persons upon whom such fraud shall be committed.

Adulterated Food.

That no person shall, within this state, manufacture for sale, offer for sale, or sell any article of food which is adulterated, within the meaning of this act. (1897, chap. 99, sec. 1.)

The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound. (Id. sec. 2.)

An article of food shall be deemed to be adulterated within the meaning of this act in the following cases: First, if any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity. Second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it. Third, if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. Fourth, if it is an imitation of, or sold under the name of another article. Fifth, if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in case of milk, if it is the produce of a diseased animal, or diluted with an inferior liquid or mixed with any inferior substance. Sixth, if it is coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. Seventh, if it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture. Provided,

that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredient not necessary to the preparation of the genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated. (Id. sec. 3.)

Every person manufacturing, offering or exposing for sale or delivering to a purchaser, any article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for that purpose, and shall tender to him the value of the same, a sample sufficient for the analysis of any such article of food which is in his possession. (Id. sec. 4.)

Whoever refuses to comply, upon demand, with the requirements of section four, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred nor less than twenty-five dollars, or imprisoned in the county jail not exceeding three months. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale, which shall be adjudged as a part of the penalty by the court in the same action wherein he is found guilty. (Id. sec. 5.)

DECISIONS OF THE SUPREME COURT OF NEBRASKA ON FOOD LAWS.

DEPUTY FOOD COMMISSIONER. Under the laws of this state which provide that the Governor shall be the Food Commissioner and shall appoint a Deputy Food Commissioner, who shall make an annual report to the Governor and give a bond for the faithful performance of his duties as such Deputy Food Commissioner, it is held that such Deputy is a state officer, and not a mere employe of the state. *State vs. Cornell*, 60 Neb. 276.

LIQUORS. Under a statute forbidding the sale or gift of adulterated liquors an applicant who has sold adulterated liquor within a year is not entitled to a license. *Livingston vs. Corey*, 33 Neb. 366.

POWER TO MAKE REGULATIONS. Cr. Code §245m et seq. forbidding the sale or keeping for sale of imitation butter, colored so as to resem-

ble butter made from pure milk or cream, and the other regulations imposed by the act, is a valid exercise of the police power; the legislature being authorized to provide regulations for the protection of the public health, and to enact suitable penalties for their violation and to prevent fraud. *Beha vs. State*, 93 N. W. 155.

STATUTORY AND MUNICIPAL REGULATIONS. Comp. St. 1901, c. 33, entitled "Food Commission," and regulating the manufacture and sale of foods, including imitation butter and imitation cheese, and fixing fees for permits, does not, by implication, repeal Session Laws 1895, c. 78, being an act concerning imitation of butter and imitation of cheese, or any part thereof, said last mentioned act being incorporated in Comp. St. 1901 as section 245m et seq. of the Criminal Code. *Beha vs. State*, 93 N. W. 155.

PURE FOOD LAWS OF NEVADA.

The State of Nevada has no pure food nor dairy commissioner nor does it appear that any department is specifically charged with the enforcement of such laws as are on the statute books against the adulteration of food and drink, but the same are left to be enforced in like manner as other misdemeanors within the state.

A digest of these laws is as follows:

ADULTERATED AND UNWHOLESOME FOODS AND DRINKS.

Sec. 4677. If any person shall knowingly sell the flesh of any diseased animal, or unwholesome provisions, or any poisonous or adulterated drink or liquors, he shall be punishable by a fine of not more than \$500 or imprisonment in the county jail not more than six months.

ADULTERATED, IMPURE AND UNWHOLESOME MILK.

Sec. 4801. Provides that any person who shall knowingly sell, exchange or expose for sale any impure, adulterated or unwholesome milk, shall be deemed guilty of misdemeanor, and punished by a fine of not less than \$100 for each offense. In default of the payment thereof to be imprisoned in the county jail not less than thirty days.

Sec. 4802. Every person who shall adulterate milk with the intent to offer the same for sale or exchange, or keep cows for the production of milk for sale or exchange in a crowded or unhealthy condition, or feed the same on food that produces impure, diseased and unwholesome milk, or sell or exchange any milk as pure from which the cream, or any portion thereof, has been taken, except as hereinafter provided, shall be deemed guilty of misdemeanor, and punished by a fine of not less than \$100 for each offense. In default of the payment thereof to be imprisoned not less than thirty days.

Sec. 4803. The addition of water or any substance is hereby declared to be an adulteration. Any milk from animals fed on distillery, brewery, hotel or restaurant waste, usually called "swill," or upon any substance in a state of putrefaction, or impure matter from stables, is declared to be impure and unwholesome. The violation of this section is punishable by a fine of not less than \$100 for each offense or imprisonment for not less than thirty days.

Sec. 4804. Nothing in this act shall be construed to prevent the sale of skimmed milk, provided the person selling the same shall first make known the fact that it is skimmed milk and sell it as such. Any person violating the

provisions of this section shall be punished as provided in section 2 of this act.

Sec. 4805. Provides that one-half of the fines collected hereunder shall be paid to the person who makes complaint and prosecutes same. The other half shall be paid into the school fund.

Sec. 4806. Provides for the appointment of a milk inspector by the Board of County Commissioners.

Sec. 4807. It shall be the duty of said milk inspector to inspect milk offered for sale in his county, and, if found adulterated, unwholesome or impure, to cause the arrest of the vendor thereof and prosecute for such offense.

Sec. 4808. If said vendor shall be found guilty of a violation of this act, and the act to which this is supplemental, he shall be fined in any sum not less than \$25 nor more than \$200, or imprisoned in the county jail not less than fifty nor more than one hundred days; fines to be paid into the school fund.

Sec. 4809. The compensation of said milk inspector shall be regulated by the Board of County Commissioners.

OLEOMARGARINE.

Sec. 4810. Every person who shall manufacture for sale any article in semblance of butter that is not the legitimate product of the dairy, not made exclusively of milk or cream, into which the oil or fat of animals, not produced from milk, enters as a component part, or into which melted butter, or any oil thereof, has been introduced to take the place of cream, unless the package containing such article shall be labeled or branded with the word "Oleomargarine," as provided in section 2 of this act, shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding \$500 and imprisonment in the county jail not less than thirty days nor more than six months.

Sec. 4811. Every person who shall sell, offer or expose for sale, or possess with intent to sell, any of the said articles mentioned in section 1 of this act, shall distinctly brand, mark or label every package containing same, whether at wholesale or retail, with the word "Oleomargarine," and every person who shall sell or offer for sale such substance not so branded, marked or labeled, shall be guilty of a misdemeanor, punishable by a fine of not less than \$25 nor more than \$100 for each offense.

Sec. 4812. The branding or marking spoken of in this act, if on rolls or prints, shall be in letters not less than one-quarter of an inch square, and if on tubs or other packages the letters shall not be less than one-half inch square.

PURE FOOD LAWS OF NEW HAMPSHIRE.

The State of New Hampshire has no Dairy or Food Commissions. The State Board of Health is bound to take cognizance of the interests of the public health relating to the sale of drugs and foods and adulterations thereof. The local boards of health have supervisory powers over the sale and inspection of milk. The State Board of Health may spend annually an amount not exceeding \$5,000 for the purpose of carrying out the provisions of the chapter relating to the manufacture and sale of unwholesome foods and poisons.

The State Board of Agriculture is charged with enforcing the provisions of chapter 115 of the laws of 1895, relating to the sale of adulterated butter, oleomargarine and imitation cheese. The members of the State Board of Health are as follows:

Governor N. J. Bachelder, Lancaster.
 Attorney General E. G. Eastman, Exeter.
 G. P. Conn, M. D., President, Concord.
 Charles S. Collins, M. D., Nashua.
 Robert Fletcher, C E, Hanover
 Irving A. Watson, M. D., Secretary, Concord.

A digest of the laws against the adulteration of articles of food and drink is as follows:

ADULTERATED LIQUOR.

P. S. CH. 112, PAGE 350.

(1899, Ch. 71, Sec. 11): If any agent adulterate any spirituous or malt liquors, which he may keep for sale, knowingly purchase any impure liquors or buy any spirituous or malt liquors off any person than the person so appointed by the Governor, or of the commissioners in case authorized by law, or charge a higher price than fixed by the selectmen or mayor, or sell any liquor on his own account, he shall forfeit fifty dollars, or be imprisoned ninety days, or both.

(Ch. 127, P. S., p. 399):

MEASURE OF MILK.

Sec. 12. Milk shall be bought and sold by wine measure, the standard for which shall be 231 cubic inches to the gallon, and for subdivisions of a gallon in the same proportion.

Sec. 13. All measures or vessels used in the sale of milk shall be tried and proved by the standard of wine measure, and the quantity they hold agreeable to said measure shall be agreed thereon. Any person selling milk by any measure not so tried, sealed and marked shall forfeit for each offense ten dollars.

Sec. 14. All milk cans used in purchasing milk at wholesale shall be sealed annually by the Scaler of Weights and Measures in the city

or town where the purchaser resides, and no milk can shall be sealed which does not contain one or more quarts, and the capacity of the can shall be legibly marked upon and by the sealer.

Sec. 15. When milk is purchased by the can such can shall hold eight quarts of milk and no more.

Sec. 16. Any person violating the provisions of the two preceding sections shall be fined not more than fifty dollars.

(Ch. 107, page 607, Session Laws of 1901.)

AN AMENDMENT TO CH. 127 OF THE PUBLIC STATUTES RELATING TO MILK.

(Sec. 1 amendment): Section 1. The Boards of Health of cities shall be in charge of the inspection of milk, skimmed milk and cream, and may appoint one or more persons as their agents for that purpose who shall act under their direction in their respective places. The compensation of such agents shall be fixed by said boards, but no milk inspector shall be paid for his services unless he is a registered chemist, or is the holder of a certificate from the Superintendent of the Dairy Department of the New Hampshire College of Agriculture and the Mechanical Arts, showing the said holder to be qualified to perform such work.

Sec. 2. The selectment of towns may annually appoint one or more persons to be inspectors of milk, skimmed milk and cream under the same provisions and conditions as agents are appointed by Boards of Health.

Sec. 3. The Boards of Health of cities and the selectmen of towns may grant any person who applies therefor, and pays two dollars, a license to sell milk, skimmed milk and cream within that city and town until the 1st day of June next following, and may renew such license upon payment of a like fee in the month of May annually; provided, said applicant will satisfy said boards of selectmen that he understands the care and handling of said product, and files the names and addresses of all his producers and gives reasonable assurance that the cows from which the milk is taken are healthy and properly cared for. The license and its renewal shall state the name of the party to whom granted, his residence, place of business, names of persons employed by him in carrying on the business, number of carriages used, name of the town for which it is granted and the number of the license. It shall not be transferable. The person to whom such a license is granted shall cause his name, place of business and number of license to be legibly placed on

the outer side of all carriages used in the business; and in case of a merchant selling or offering milk for sale in a store or market place in the city or town in which said licenses are granted, said license and its renewals shall be posted in a conspicuous place in said merchant's place of business.

Sec. 4. Whoever goes about in carriages or makes a business of selling milk, skimmed milk or cream in any such city or town, or offers for sale, or possesses same with intent to sell, milk, skimmed milk or cream, unless a license has been first obtained, as provided in the preceding section, or violates any of the preceding sections, shall be fined not more than ten dollars for the first offense or fifty dollars, or imprisonment for not more than sixty days, or both, for a subsequent offense.

Sec. 5. Every person selling milk, skimmed milk or cream in a store or market place in a city or town in which licenses are granted, shall procure a license. Any person so selling without a license shall be punished as provided in section 4.

Sec. 6. The Boards of Health of cities and their agents, the selectmen of towns, and the inspectors appointed by them, may enter places where milk, skimmed milk or cream are stored or kept for sale, or carriages used for the conveyance thereof, and take such samples of milk, skimmed milk or cream as they may deem necessary upon payment of the current price therefor, and may examine the milk, skimmed or cream, there found, and, if requested, leave a sample of the same product, securely sealed, with the person from whom said sample was taken; and if they believe said milk, skimmed milk or cream is adulterated, they shall cause specimens thereof to be analyzed or tested, and make a record of the test thereof.

Sec. 7. They shall make a record of all licenses granted and renewed by them, with all registries made with them; same shall be open to public inspection, and pay to the treasurer of their city or town all fees received, within thirty days after receipt.

Sec. 8. No dealer in milk shall sell, exchange, deliver or possess with intent to sell, exchange or deliver milk from which the cream, or any part thereof, has been removed, unless in a conspicuous place above the center, upon the outside of every vessel, can or package, in which said milk is sold, the words "Skimmed milk" are distinctly marked in letters not less than one inch in length. Whoever violates this section shall be punished as provided in section 17 hereof.

Sec. 9. A record shall be kept by said boards and selectmen of each conviction in their re-

spective cities and towns of any violation of the provisions of this chapter.

Sec. 10. Any board of health, agent thereof, or selectmen or inspector appointed under the provisions hereof, who willfully connives at or assists in the violation of the provisions of this chapter, shall be fined not more than three hundred dollars or imprisoned for not more than sixty days or both.

Sec. 11. The preceding sections shall be in force only in such towns and cities as now have inspectors of milk, and those which may hereafter adopt the same; but this act shall not affect anyone who may at the time of the passage thereof be elected inspector of milk in any city in this state, so as to cut short his present term of office or vary his salary.

(Sec. 2 amendment): Sec. 17. If any person adulterates milk, skimmed milk or cream with water or otherwise, to be sold or sell, offer for sale or possess with intent to sell, any adulterated or unwholesome milk, skimmed milk or cream containing any coloring matter or preservative, or any milk produced from sick or diseased cow or cows fed upon the refuse of breweries or distilleries, or any other substance deleterious to the quality of the milk, skimmed milk or cream, or sell, offer for sale or possess with intent to sell, as pure milk, any milk from which the cream or a part thereof has been removed, he shall be fined not more than two hundred dollars or imprisoned not more than sixty days, or both. It shall be the duty of the Boards of Health or milk inspectors to file necessary information with the chief of police of the city or town, or the county solicitor, to prosecute offenders under this act.

Sec. 18. In all proceedings under this chapter, if milk is shown, upon analysis, to contain less than thirteen per cent of milk solids or less than nine and a half per cent of milk solids, exclusive of fat, or less than three and a half per cent of fat, it shall be considered evidence of adulteration, except during the months of April, May, June, July, August and September, when milk containing less than twelve per cent of milk solids, or less than three per cent of fat, shall be considered evidence of adulteration, or, if in the case of skimmed milk, it contains more than 91 per cent of water, and less than nine per cent of milk solids, exclusive of fat, it shall be considered evidence of adulteration.

Sec. 3. Repeals all acts inconsistent herewith.

ADULTERATED BUTTER, OLEOMARGARINE AND IMITATION CHEESE.

Sec. 19. No person, by himself or otherwise, shall render, manufacture, sell, offer or expose for sale, or possess with intent to sell,

any article, product or compound, made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be an imitation of yellow butter, produced from pure unadulterated milk or cream; or in imitation of cheese produced from unadulterated milk or cream, unless the same is contained in tubs, firkins, boxes or packages, each of which has upon it the word "Adulterated butter," "Oleomargarine," or "Imitation cheese," as the case may be, in plain Roman letters, not less than half an inch in length, so placed that they can readily be seen and read and not easily defaced; and if the substance or compound is a substitute for cheese, unless the cloth surrounding it has a like inscription; but if it is a substitute for butter, unless it shall be of some other color than that of yellow butter. When any such substance or compound is sold in less quantities than the original packages contain, the seller shall deliver to the purchaser a label bearing the words or indicating its character, as above in like letters; provided, nothing in this act shall prohibit the manufacture and sale of oleomargarine in a separate and distinct form, in such manner as will advise the consumer of its real character, free from any coloration or ingredient that causes it to look like butter.

It shall be unlawful for any person to sell, peddle or deliver from any cart, wagon or other vehicle upon the public streets or ways, oleomargarine, butterine or any similar substance, unless branded and marked as required in section 19 of this act.

It shall be unlawful for any person to furnish to any hotel, boarding house, restaurant or lunch counter oleomargarine, butterine or similar substance to any guest or patrons of said hotel, boarding house, restaurant or lunch counter without first notifying such guest or patron that the substance so furnished is not butter.

Any person violating the provisions of the foregoing sections shall be fined not less than twenty-five dollars nor more than fifty dollars for the first offense, and not less than fifty dollars nor more than one hundred dollars, or imprisonment not less than ten nor more than ninety days, or both, for a subsequent offense.

Sec. 20. It shall be the duty of the State Board of Agriculture to cause the provisions of chapter 115 of the laws of 1895 relating to the sale of adulterated butter, oleomargarine and imitation cheese to be enforced.

Sec. 21. The complainant in any such action may cause specimens of butter or cheese suspected of being imitations to be analyzed or

tested. The expense of such analysis not to exceed twenty dollars in any one case may be taxed as costs.

Sec. 22. The terms "Butter" and "Cheese" shall be understood to mean the products usually known by those names which are manufactured exclusively from milk or cream or both, with salt, and with or without coloring matter, and, if cheese, with rennet.

If any person shall, within this state, solicit or take any order for any substance or compound, the sale, offer to sell or keeping in possession of which with intent to sell is prohibited by the provisions of sections 19 and 20 of Ch. 127, Public Statutes, to be delivered to any place without this state, knowing or having reasonable cause to believe that, if so delivered the same will be transported into this state and sold in violation of the laws thereof, he shall be fined fifty dollars for the first offense and for any subsequent offense he shall be fined one hundred dollars and imprisoned not more than ninety days.

Sec. 23. It shall be the duty of inspectors of milk, if any in the town, and if not, of the health officers, to make complaints for violations of this chapter, when furnished with evidence thereof, and prosecute the same; but any person may do so.

Sec. 24. Any person who begins and prosecutes any action under this chapter, at his own expense, and any town whose officers begin and prosecute any such action at its expense, shall be entitled to one-half of every fine imposed therein, and the county to the other half.

P. S. CH. 107.

DUTIES OF BOARD OF HEALTH.

Sec. 4. The Board of Health shall take cognizance of the interests of the public health relating to the sale of drugs and foods, and adulteration of the same, and make all necessary investigations and inquiries with reference thereto, and for these purposes may appoint inspectors, analysts or chemists. Said board may expend annually an amount not exceeding eight hundred dollars for the purpose of carrying out the provisions of this section of the chapter relating to the adulteration and selling of unwholesome foods and poisons.

P. S. CH. 269.

ADULTERATION OF UNWHOLESOME FOODS AND POISONS.

Section 1. No person shall sell or offer for sale any adulterated drug or substance to be used in the manner of medicine or any adulterated article of food or substance to be used in the manner of food or drink.

Sec. 2. If any drug or substance used for medicine sold under the name recognized by the

United States Pharmacopœa, or other standard work on materia medica, differs materially from the standard of strength, quality or purity laid down therein, or contains less of the active principle than is contained in the genuine article, or falls below the professed standard under which it is sold, it shall be deemed adulterated.

Sec. 3. If any food or substance to be eaten or used in the manner of food or drink, contains a less quantity of any valuable constituent than is contained in the genuine article or contains any foreign substance, or is colored, coated, polished or powdered, whereby damage is concealed, or contains any added poisonous ingredient or consists wholly or in part of any decomposed, putrid or diseased substances, or has become offensive or injured from age or improper care, it shall be deemed adulterated.

Sec. 4. Whoever fraudulently adulterates, for the purpose of sale, any article of food or drink, drug or medicine, or knowingly sells any adulterated article of food or drink, drug or medicine, or unwholesome provisions as defined herein, shall be imprisoned not exceeding one year or fined not exceeding four hundred dollars.

Sec. 5. Every person offering or exposing for sale, any drug or article of food, within the meaning of this chapter, shall furnish to any analyst, or other officer appointed for the purpose, who shall apply for same and tender him its value in money, a sample sufficient for analysis of such drug or article of food.

Sec. 6. Any person who has reason to doubt the purity of any article of food which he has purchased may send, at his own expense, a sealed sample of it to the State Board of Health for inspection. If, upon examination, the article appears to be adulterated, the board may obtain a certified sample of it, and should it prove to be adulterated, shall commence proceedings at once against the vendor.

Sec. 7. Whoever hinders, obstructs or in any way interferes with any inspector, analyst or other person, in the performance of his duty hereunder, shall be fined not exceeding fifty dollars for the first offense and one hundred dollars for each subsequent offense.

Sec. 8. Before commencing the analysis of a sample the analyst shall reserve a portion, which shall be sealed, and, in case of a complaint or indictment, part of the reserved portion of the sample shall, upon application, be delivered to the defendant, and a part to the Secretary of the State Board of Health.

Sec. 9. The State Board of Health shall adopt such measures as it may deem necessary to facilitate the enforcement of this chapter, and for the collecting and examining of drugs and foods, etc.

Sec. 10. Whoever adulterates for the purpose of sale any liquors used or intended for drink, with cocculus indicus, vitriol, grain of Paradise, opium, alum, capsicum, copperas, laurel-water, logwood, Brazil wood, cochineal, sugar of lead, or other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be fined not exceeding one thousand dollars or imprisoned not exceeding one year.

Sec. 11. Whoever kills, for the purpose of sale, a calf less than four weeks old, or knowingly sells or possesses with intent to sell, for food, the meat of any such calf, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, or both.

Sec. 12. Any meat, unwholesome provisions or articles sold, kept or offered for sale, or adulterated in violation of the preceding section shall be forfeited.

ADULTERATED CANDY.

(1899, Ch. 26, Sec. 1.) No person shall, by himself or otherwise, manufacture for sale, or knowingly sell, or offer to sell any candy, adulterated by the admixture of terra alba, barytes, talc or other mineral substance, by poisonous colors or flavors, or other ingredients deleterious to health.

Sec. 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding one hundred dollars or less than fifty dollars, and the candy so adulterated shall be forfeited and destroyed.

Sec. 3. It is the duty of Prosecuting Attorneys to prosecute complaints hereunder.

CH. 87, PAGE 583, LAWS OF 1901.

Sec. 1 amends Ch. 251, P. S., so that Justices of the Peace may issue search warrants to search for oleomargarine, butterine or any oleaginous substance not produced from pure, unadulterated milk or cream of the same, which is an imitation of yellow butter.

SESSION LAWS OF 1903, CHAPTER 95.

Sec. 17. It shall not be lawful, first: To sell or expose for sale, or have on the premises where liquor is sold, any liquor which is adulterated with any deleterious drug, substance, or liquid which is poisonous or injurious to the health.

FOOD STANDARDS AND DEFINITIONS.

RULINGS BY THE STATE BOARD OF HEALTH.

The laws relating to food products are so varied and the standards of composition so dissimilar among different states that for the guidance of manufacturers, jobbers, and retailers the State Board of Health has made rulings which define and fix standards for all ordinary food stuffs.

These rulings furnish a definite basis for work in the enforcement of the "Pure Food Law," and are intended to anticipate any questions as to the attitude of the State Board of Health in regard to the application of the law to particular articles of food, and will be recognized as such at the State Laboratory of Hygiene. The definitions and standards here given are those advised by the United States Department of Agriculture, given in the United States Pharmacopœia, or after thorough investigation and trial adopted by many of the states.

Authority for such rulings is given the Board by section 9, chapter 269 of the Public Statutes, which reads as follows: "The State Board of Health shall adopt such measures as it may deem necessary to facilitate the enforcement of this chapter, and for the collection and examination of drugs and foods," etc.

DEFINITIONS.—I. Offering or exposing for sale or selling adulterated food is prohibited.

II. The term "food," as used herein, shall include confectionery, condiments, and all articles used for food or drink by man, and if there be more than one quality of any article of food known by the same name, the best quality thereof shall be furnished to the purchaser, unless he otherwise requests at the time of making such purchase, or unless he be notified at such time of the inferior quality of the article delivered.

III. An article shall be deemed to be adulterated within the meaning of section 3, chapter 269 of the Public Statutes:

In the case of food: (a) If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength, or purity; (b) if any inferior or cheaper substance or substances have been substituted, wholly or in part, for it; (c) if any valuable or necessary constituent or ingredient has been, wholly or in part, abstracted from it; (d) if it consists, wholly or in part, of any decomposed, putrid, or diseased substance, or has become offensive or injured from age or improper care; (e) if it is colored, coated, polished, or powdered, whereby damage is concealed, or if by any means it is made to appear better or of greater value than it really is; (f) if it contains any added poisonous or injurious ingredients, or any foreign substance.

ANTISEPTICS.—Salicylic acid, benzoic acid, boric acid, hydrofluoric acid, sulphurous acid, and compounds of these acids; formaldehyde or formalin, and various mixtures known to the trade as "Freezine," "Iceine," "Formol," "Preservalines" of various kinds, etc., are antiseptics, and foods or food products containing them are adulterated.

The use of salt, sugar, vinegar, spices, saltpeter, and wood smoke, as employed in curing meat, is not prohibited.

BAKING POWDER.—Baking powders must be of standard strength and quality.

BUTTER.—Standard butter is butter containing not less than eighty-two and one-half (82.5) per cent of butter fat. The use of harmless vegetable coloring matter is allowable.

BUTTER—RENOVATED OR PROCESS.—Standard renovated or process butter must contain not more than sixteen (16) per cent of water, and at least eighty-two and one-half (82.5) per cent of butter fat. Renovated or process butter must be so marked and must not be substituted for butter unless so requested by the purchaser.

CANDY.—The use of poisonous colors or flavors or other injurious ingredients, the admixture of terra alba, barytes, talc, or other mineral substance to give weight and volume to the mass, is an adulteration.

CANNED GOODS.—Canned goods must bear the name and address of the packer. If dried before packing they must be labeled "SOAKED OR BLEACHED GOODS" in letters not less than two line pica in size. The sale of peas or other vegetables greened with copper is prohibited.

CATSUPS.—Catsups are preparations of tomato pulp and spices, and must contain no added coloring material or preservatives.

CHEESE.—Standard whole milk cheese, full cream cheese, or cream cheese is cheese containing, in the water free substance, not less than forty-eight (48) per cent of butter fat. The use of harmless vegetable coloring matter is allowable. The use of preservatives other than salt is prohibited.

CIDER.—Cider is the unfermented juice of the apple. Any substitute for apple juice, or any added antiseptic constitutes an adulteration.

COFFEE.—Coffee must be true to name. It must not be coated or polished to conceal inferiority.

COFFEE COMPOUNDS.—Mixtures of cereals or other articles sold as substitutes for coffee must be sold as a mixture or compound under an original or coined name, and not under the name of any ingredient thereof.

CREAM.—Standard cream is cream containing not less than eighteen (18) per cent of milk fat. Cream shall be produced wholly from pure milk and be free from added coloring matter, preservatives, or other additions of any kind.

FLAVORING EXTRACTS.—Bottles or packages containing extracts must bear the name and address of the manufacturer. Lemon extract

shall contain at least five (5) per cent of the pure oil of lemon dissolved in alcohol. Vanilla extract shall be made wholly from vanilla bean, and shall contain no artificial coloring. When other flavoring substances are used, such as vanillin, coumarin or tonka, the extract shall be labeled so as to show its true character. The label, "Compound Extract of Vanilla," will not be deemed sufficient notice of the composition of the article.

FLOUR.—Flour must be composed entirely of one single ground cereal. The admixture of other flours or materials constitutes an adulteration.

GLUTEN FLOUR.—Gluten flour is flour from which the starch has been washed, wholly or in part. Standard gluten flour must contain at least thirty (30) per cent of proteids calculated by multiplying the nitrogen content by the factor 6.25, and not over forty-eight (48) per cent of starch.

FRUIT JELLIES, FRUIT JAMS, PRESERVES, ETC.—Fruit jellies, fruit butters, preserves, canned fruits, fruit conserves, confections, fruit juices and syrups, etc., must consist of the fruit specified on the label, preserved only with cane sugar, with or without the addition of glucose, and must not contain artificial flavors, coloring matters or preservatives. If such articles contain any substitute for the fruit, or any injurious material to make up bulk or weight, any artificial flavor, color or antiseptic, or any substance not naturally occurring in such fruit, except spices or other wholesome natural flavoring materials, they shall be considered to be adulterated.

HONEY.—Honey is the nectar of flowers and saccharine exudations of plants gathered by bees. Honey made by feeding bees glucose, sugar syrup or other saccharine substance is not pure honey. Adding glucose sugar or syrup to honey, or substituting these materials for honey constitutes an adulteration.

LARD.—Lard is the fat of swine, the fat being melted and separated from the flesh. Adding beef fat or stearine, cotton seed oil, or other substitutes for swine fat constitutes an adulteration. Lard must contain not less than ninety-nine (99) per cent of fat.

MILK.—Milk must contain three and one-half (3.5) per cent of fat and thirteen (13) per cent of milk solids, except in the months of April, May, June, July, August, and September, when it must contain three (3) per cent of fat and twelve (12) per cent of milk solids. Milk must not be skimmed, colored, watered, preserved with antiseptics, or produced

from sick or diseased cows, or cows fed upon the refuse of breweries or distilleries. Milk from which the cream has been removed may be sold as skimmed milk from vessels, cans, or packages on which the words "Skimmed Milk" are distinctly marked in letters not less than one inch in length.

MAPLE SUGAR AND SYRUP.—Maple syrup and sugar must be true to name. The chief element of value in maple syrup and sugar is the maple flavor, and any admixture of other sugars is an adulteration.

MOLASSES AND SYRUPS.—All molasses and syrups are assumed to be made from the juice of cane or other sugar-producing plants, and any molasses or syrup containing starch sugar, glucose, or corn syrup shall be considered to be adulterated. Glucose syrups or corn syrups may be sold when so marked.

OLEOMARGARINE.—Oleomorgargarine, butterine, or kindred compounds, or mixtures of these with butter cannot lawfully be sold if colored in imitation of butter.

OLIVE OIL.—Olive oil is the expressed oil of the olive. The substitution of other oils or fats for olive oil, either in part or in whole, constitutes an adulteration.

SAUSAGE.—Sausage must be prepared from the properly prepared edible parts of animals and must contain no preservative other than sugar, salt, saltpeter, smoke, and condiments, and no artificial coloring matter.

SPICES.—Spices are aromatic vegetable substances used for the seasoning of food. Standard spices are sound spices, true to name, from which no portion of volatile oil or other flavoring principal has been removed. All spices must be pure. Any mixture of any foreign article with any spice is an adulteration.*

SUGAR.—Standard sugar is white sugar containing at least ninety-nine and one-half (99.5) per cent of sucrose and without any added substance.

TEA.—Tea consists of the dried leaves of the true tea plant, without addition of artificial coloring matter or filler, or extraction of essential properties. Any article offered for tea which does not conform to this definition is adulterated.

VINEGAR.—Vinegar shall contain no artificial coloring matter, and shall have an acidity equal to the presence of not less than four and one-half (4.5) per cent by weight of absolute acetic acid. Cider vinegar shall, in addition, contain not less than two (2) per cent by weight of cider vinegar solids. If vinegar contains any artificial coloring matter, or less than

the required amount of acidity, or if cider vinegar contains less than the required amount of acidity or cider vinegar solids, it shall be deemed to be adulterated.

*A preparation of mustard, vinegar, spices, and enough filling of starch to make a mustard of mild flavor, to meet a legitimate demand which undoubtedly exists, may be sold as "French Mustard," or "Prepared Mustard."

DECISION OF THE SUPREME COURT OF NEW HAMPSHIRE ON FOOD LAWS.

ADULTERATION. The legislature having power to fix a standard, it must judge whether or not milk below that standard is wholesome, so that the court cannot take judicial notice whether milk, below that standard, is or is not dangerous to the public health. *State vs. Campbell*, 64 N. H. 404.

OBJECT. Statutes which prevent the sale of adulterated provisions are made in order to protect the public health. 64 N. H. 549, *State vs. Marshall*.

MILK. In a prosecution under the laws regulating the sale and inspection of milk, evidence that the defendant's cows were properly fed, but which evidence is offered for the purpose of discrediting the analysis of the milk put in by the state, is properly rejected. *State vs. Campbell*, 64 N. H. 402.

The state may authorize the analysis of milk claimed to be adulterated, and allow the giving of evidence of such an analysis even though in

the meantime the milk has been destroyed.

The legislature may fix an arbitrary standard below which milk cannot fall; and evidence that the milk is below that standard when given by the cows is not a defense. *State vs. Campbell*, 64 N. H. 402.

OLEOMARGARINE. NOTICE. It is a legitimate exercise of the police power of a state to require that oleomargarine shall not be furnished to a guest without his knowledge, as it is an Act for the protection of the public health and to prevent fraud and deception on the same in buying an article of general consumption. *State vs. Ball*, 70 N. H. 40.

OLEOMARGARINE. It is no defense to the action to show that defendant who furnished oleomargarine to a guest in a hotel without first notifying such guest that it was oleomargarine did not know or have reason to know that it was oleomargarine. *State vs. Ryan*, 70 N. H. 196.



PURE FOOD LAWS OF NEW JERSEY.

In the State of New Jersey the Board of Health is charged with the enforcement of the Pure Food Laws of the State. The Board is composed as follows:

The Secretary of State,
The Attorney General,
The State Geologist.

Members ex-officio.

Henry W. Elmer, M. D.,
Henry B. Rue, M. D.,
William H. Murray, M. D.,
George P. Olcott, C. E.,
Laban Dennis, M. D.
President, Cyrus F. Brackett, M. D., LL. D.
Secretary, Henry Mitchell, M. D.
The office of the Board is in the State House,
Trenton.

DEPARTMENT OF FOOD AND DRUGS.

R. B. Fitz Randolph, Director State Laboratory of Hygiene.

Shippen Wallace, Analyst.
George W. McGuire, Chief Inspector.
S. S. Vandruff, Assistant Inspector.
W. S. Townsend, Assistant Inspector.
D. C. Bowen, Assistant Inspector.

The laws to secure the purity of food, beverages, drugs, etc., and to prevent deception in the distribution and sale therein, are in substance as follows:

Section 1. The term "food" includes every article used for food or drink by man, and every ingredient thereof, and all confectionery; and the term "drug" includes every article of medicine for internal or external use and every ingredient therein.

Sec. 2. The following drugs are deemed to be impure within the meaning of this act:

First—Any drug which, recognized in the United States Pharmacopœa, possesses a strength, quality, or degree of power inferior to that laid down in such pharmacopœa. Second—Any drug which not being recognized in the United States Pharmacopœa, but found in some other pharmacopœa, or in some standard work on materia medica, possesses a strength, quality or degree of power inferior to and different from that laid down in such pharmacopœa or standard work. Third—Any drug whose strength, quality or degree of power falls below the professed standard under which it is sold.

Sec. 3. The following foods are deemed to be impure within the meaning of this act:

First—Any food which is rendered poisonous or injurious to health, or whose quality, strength or degree of power is injuriously reduced or affected by adding thereto or mixing therewith any other substances. Second—Any food for any of whose substances there has been substituted any substance or substances inferior to or cheaper than the constituents naturally or customarily composing such food. Third—Any food from which has been wholly or partially abstracted any valuable or necessary constituent. Fourth—Any food which consists wholly or in part of diseased, decomposed, putrid, tainted or rotten animal or vegetable substances, whether manufactured or not. Fifth—In the case of milk, if it contain more than 88 percentum of water fluids or less than 12 per centum of milk solids; or if any water, drug, chemical, preservative or other substance be added thereto or mixed therewith. No person shall kill or aid in killing for human food any calf less than three weeks old, or sell or have in his possession for human food any such calf or the meat thereof.

Sec. 4. Prohibits the distribution or sale of any article of food or drug which by the provisions hereof is deemed impure.

Sec. 5. Prohibits the distribution or sale of any article of food or drug in imitation of some other article of food or drug; same shall be distributed and sold only by the true name of the imitation.

Sec. 6. Prohibits the distribution or sale of any food which shall have been colored, coated, polished, powdered or treated in such manner as to conceal any element of injury or damage therein or any inferiority of quality.

Sec. 7. No person shall keep cows for the production of milk in a crowded or unhealthy place or condition, or feed a cow kept for the purpose of milk on swill, or any substances in a state of putrefaction or rottenness, and substances of an unwholesome nature, or any food or substance that may produce disease or unwholesome milk. And prohibits the distribution and sale of any milk which is the product of cows so kept or fed.

Sec. 8. No person having possession or care of any milk shall expose the same to the emanations, discharges, or exhalations from any person or persons sick with a contagious disease, and prohibits the sale or distribution of any milk so exposed.

Sec. 9. Prohibits the sale of any milk from which the cream or any part thereof has been

removed, unless every can, vessel or package thereof shall have a metal label or tag of metal distinctly and permanently soldered upon the outside and not more than six inches from the top thereof containing the words "Skimmed milk" indented or engraved on said label or tag in letters not less than two inches in height and the several lines of which shall be not less than three-eighths of an inch in width; provided, however, that every glass bottle in lieu of such label or tag may have blown in it the words "Skimmed milk" in letters not less than one inch in height, and one-eighth of an inch in width, such milk to be sold or retailed out of a can or bottle or package so marked.

Sec. 10. No person shall sell, supply or bring to be manufactured to any cheese or butter manufactory any milk which, under the provisions of this act, is deemed impure or from which the cream has been removed or the sale of which otherwise in this act is prohibited.

Sec. 11. The State Board of Health shall have the power to adopt, promulgate and publish, by circular or otherwise, such general rules and regulations for the government of the analysts, chemists, chief inspector, and such other inspectors and employes appointed by said board as they may deem proper; they shall also have the power to give to any analyst, chemist or chief inspector or other employe appointed by the board orders concerning any performance of duty as they may deem proper; they shall also have power to appoint such analysts, chemists and inspectors and employes who shall hold their positions during the pleasure of said board, and perform general or special services as the board may require; and said board shall fix and allow fees or compensations to such analysts, employes, etc., to be paid out of appropriations made by the legislature for carrying out the provisions of this act. Said board may make inquiries and investigations concerning alleged or probable violations hereof, and cause prosecution therefor.

Sec. 12. Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such article of food or drug as said chief or other inspector may request; if such request shall not be immediately granted said chief or other inspector shall thereupon have the power to demand and take so much of any such article of food or drug as such chief or other inspector may think proper, he, at the time of said de-

mand and taking, tendering to the person in charge of such article of food or drug what he may deem to be the reasonable value thereof; said chief or other inspector shall, at the time of the delivery to him of such article of food or drug, or of his demanding and taking the same, divide the sample so delivered or demanded and taken, in the presence of one or more witnesses, into two parts, and shall duly seal each part in a suitable can, vessel or package, and at the time of taking such sample, shall tender, and if accepted, shall deliver one part to the person of whom the request or demand was made, with a statement, in writing signed by said chief or other inspector, that such sample is taken for the purpose of analysis; and in any prosecution of any person for the violation of any provision of this act or of any other statute of this state relative to the prevention of deception in the sale of food products, no proof of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample shall have been sealed up and tendered, with such writing as aforesaid, to the person of whom the request or demand was made; the chief and every other inspector appointed under the authority of this act, whenever he has reason to believe that any of the provisions of this act concerning the sale or distribution of milk, or the offering or exposing of milk for sale, or the having milk in possession for the purpose of sale, is being violated, shall have power to open any can, vessel or package containing such suspected milk, whether the can, vessel or package be sealed or locked or not, and whether it be in transit or not; and if, upon inspection, he shall believe that such milk is being distributed or sold, or had in possession with intent to distribute or sell, or offered or exposed for sale, contrary to any of the provisions of this act, he may, in the presence of one or more witnesses, take a sample thereof and seal it in a can, vessel or package, and send the sample thus enclosed and sealed for analysis to any chemist appointed under the authority of this act; he may also in any such case condemn such milk and pour it upon the ground.

Sec. 13. A penalty of \$50 is provided for the violation of the provisions of this act; provided, that if any person charged with the violation of any of the provisions of this act shall prove that the article alleged to be impure was produced under a warranty from any person or persons residing in this state that said article was pure within the meaning hereof and file with the proper officer a copy of such warranty the person so complained against shall be discharged. The warranty to justify this charge shall be in the following form, to-wit: "It is

hereby warranted that the following described article or articles, to-wit, _____ are pure and unadulterated within the meaning of the act of the legislature of the State of New Jersey entitled 'An Act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof, approved the — day of —, A. D. 1901"; every such warrant shall be signed by the warrantor, and shall be a defense except that the person offering same shall have had prior notice of the impurity of the article mentioned.

Sec. 14. Every district court, justice of the peace in any city or county, or police justice or recorder in any city, is given jurisdiction in prosecutions for violations of this act. This section provides how prosecutions shall be begun and sets forth forms for the proceeding thereunder.

Sec. 15. Provides for trial by jury and a form of judgment given in case the prosecution shall be awarded same.

Sec. 16. If either the prosecutor or the defendant or defendants be dissatisfied with any judgment given under the provisions of either the fourteenth or fifteenth sections of this act, the dissatisfied party may appeal to the court of common pleas of the county in which the judgment appealed from shall have been rendered, which appeal shall be taken by filing with the court, justice of the peace or recorder who gave the judgment, a notice of such appeal, signed by the appealing party, or his, her or their agent; provided, however, that no appeal shall be allowed to or taken by any defendant from any judgment against such defendant unless, with said notice of appeal, such defendant shall also file a bond, with at least one sufficient surety to be approved by the court, justice of the peace or recorder who shall have given the judgment, in double the amount of the judgment, and conditioned that the appellant or appellants shall appear and prosecute the appeal in said court of common pleas, shall stand to and abide the judgment of said court of common pleas, and shall pay such costs as shall be taxed against the appellant or appellants, if the judgment appealed from be affirmed; the court, justice of the peace or recorder who shall have given the judgment appealed from shall send a transcript of the proceedings and judgment and said notice of appeal, together with any bond that may have been filed under the provisions of this section above contained, to the clerk of the court of common pleas to which the appeal is taken on or before the first day of the term of said court next ensuing such appeal; in any case of appeal by a defendant

after execution shall have been issued, the court of common pleas to which the appeal is taken, upon receiving satisfactory proof that the notice of appeal above mentioned has been filed with the court, justice of the peace or recorder who gave the judgment, and upon filing with the clerk of the court of common pleas to which the appeal is taken, such bond as aforesaid, to be approved by said court of common pleas, may stay the execution until the further order of said last-mentioned court, a rule to which effect shall be entered in the minutes of the said last-mentioned court and a copy thereof, certified by the clerk of said last-mentioned court, shall be served on the constable in whose hands the execution may be; the proceedings for bringing on the hearing of such appeal, and for conducting such hearing, shall be the same as in the case of the trial of causes on appeal to the court of common pleas under the provisions of the act entitled "An act constituting courts for the trial of small causes." approved the twenty-seventh day of March, in the year one thousand eight hundred and seventy-four, and the acts supplementary thereto and amendatory thereof.

Sec. 17. Relates to executions upon judgments in case of executions, etc.

Sec. 18. Provides what officers shall execute any process or executions issued as aforesaid.

Sec. 19. It is a misdemeanor to utter any false warranty of the form prescribed in section 15 of this act, punishable by a fine of not more than \$500 or imprisonment at hard labor for not more than one year.

Sec. 20. The State Board of Health may expend a sum not exceeding \$15,000 for carrying out the provisions of this act; provided, that an appropriation shall first be made by the legislature.

Sec. 21. The office of State Dairy Commissioner is abolished, and his duties shall be performed by the Chief Inspector under the direction of the State Board of Health.

Sec. 22. Repeals: "An Act to protect butter and cheese manufacturers," approved March 23, 1865; "An Act relative to the Dairy Commissioner," approved June 13, 1895; "An Act to prevent the adulteration and to regulate the sale of milk," approved March 14, 1882; and all acts supplementary thereto and amendatory thereof; "An Act to prevent the adulteration of candy," approved March 14, 1895; "An Act to prevent the adulteration of food or drugs," approved March 25, 1881, and all acts supplementary thereto and amendatory thereof; and "An Act to prevent deception in the sale of cakes and biscuits and to preserve the public health," approved March 22, 1895, and all other acts and parts of acts inconsistent with this act.

OLEOMARGARINE AND DAIRY PRODUCTS.

Section 1. Prohibits the sale of oleomargarine, butterine, or suine, or any substance in imitation of natural butter or cheese, or substance that is rendered, manufactured or compounded out of any animal or vegetable or mineral fat or oil, not produced from pure milk or from cream from pure milk, unless contained in and sold out of or in tubs, pails, vessels or packages marked and labeled as required in section 3 hereof.

Sec. 2. Prohibits the sale of any mixture or compound as natural butter or cheese with oleomargarine, butterine, suine, or any animal or vegetable or mineral fat or oil, or any substance not the product of pure milk or cream, as required in section 1, and except the same shall be sold as required in said section 1.

Sec. 3. Prohibits the sale of oleomargarine, butterine, suine, or imitations of natural butter or cheese, except when contained in tubs, firkins, vessels, packages, etc., that are marked and labeled as follows, to-wit: Every such tub, firkin, vessel or package shall have printed on the outside thereof and midway between the top and bottom thereof a strip or band at least three inches wide and extending completely around said vessel or package, and said strip or band shall be painted with black paint; every such vessel or package shall have legibly branded and burnt in, by means of a branding or burning iron, on the outside of the cover and on the outside of said vessel or package, in two places as nearly opposite each other as possible, the words "oleomargarine," "butterine," "suine," or "imitation butter," or "imitation cheese," as the case may be, and said name or title shall be composed of Roman letters at least one-half an inch high and at least one-quarter of an inch broad, and said name or title shall be at least ten inches long; and every such tub, pail, box, firkin or other vessel or package shall bear a label or shall have branded on it a mark giving the name and address of the maker of the contents thereof, and the name and location of the manufacturer.

Sec. 4. (Amended by Section 24, *Post*.)

Sec. 5. Prohibits the sale of oleomargarine, butterine, suine, or imitations of natural butter or cheese that is colored, stained, or mixed with annatto or any other coloring matter or substance.

Sec. 6. By "natural butter" or "natural butter or cheese," is meant the product or products usually known by these names, manufactured exclusively from milk or cream, or both, with salt or salt and rennet, and with or without coloring matter or sage; and the terms

"oleomargarine," "butterine," "suine," or "substances in imitation or semblance of natural butter or cheese" shall be held to mean any substance that is rendered, made, manufactured, or compounded out of any animal or vegetable or mineral oils or fats not the product of pure milk, or cream from pure milk; also any compound or mixture of natural butter or cheese or milk or cream with any of these substances not milk or cream.

Sec. 7. The possession by any person of any oleaginous substance or food for public use as defined herein, not natural butter, and not contained in a tub or vessel marked in accordance with the provisions of section 3, shall be *prima facie* evidence of intent to sell the same.

Sec. 8. Prohibits the removal of the band or strip of paint or brands required in section 3 of this act from any vessel containing oleaginous substances as defined herein.

Sec. 9. Every person who shall violate this act shall be liable to a penalty of \$100 for the first offense and \$200 for a second or subsequent offense.

Sec. 10. Confers jurisdiction of prosecutions under this act upon every District Court in any city and every justice of the peace in any county and every recorder in any city for violations of this act and for prosecutions thereunder, and the manner of conducting proceedings in connection therewith.

Sec. 11. Provides for service of process under this act.

Sec. 12. Provides for judgments from time to time and for bail under this act.

Sec. 13. Provides for payment of costs and right of appeal.

Sec. 14. Provides that penalties shall be paid into the state treasury.

Sec. 16. The commissioner shall be authorized to expend for the purposes of this act an amount not to exceed \$10,000 in any one year.

Sec. 17. The commissioner and his clerks, assistants, and agents shall have full access, ingress, and egress to all places of business, factories, farms, buildings, hotels, boarding houses, restaurants, carriages, cars, vessels, cans, etc., used in the manufacture or sale of any dairy product or imitation thereof. They shall also have the power to open any package or vessel or can containing articles manufactured or sold in violation of the provisions of this act and take samples therefrom for analysis.

Sec. 18. Declares this act to be intended to prevent deception in the sale of oleomargarine, butterine, or imitations of any dairy product, and to preserve the public health.

Sec. 19. That an act entitled "An Act for the protection of dairymen and to prevent de-

ception in sales of butter," approved Feb. 21, 1884, and an act entitled "An Act to prohibit the manufacture of impure and imitation dairy products," approved May 5, 1884, and all acts and parts of acts inconsistent or in conflict with this act be and the same are hereby repealed.

SUPPLEMENT TO LAWS.

Approved April 21, 1887.

Sec. 5. Provides for forms in cases of conviction resulting from prosecutions under this act.

SUPPLEMENT.

Approved March 25, 1895.

Section 1. Prohibits the same, rendering or manufacturing of any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof not produced from unadulterated milk or cream from the same, artificially colored in imitation of yellow butter produced from pure unadulterated milk or cream from the same; provided, that this act shall not prohibit the manufacture or sale of oleomargarine in a manner regulated by the act to which this is a supplement, and in such manner as will advise the customer of its real character, free from official coloring which causes it to look like butter.

Sec. 2. It is a misdemeanor to violate the preceding section of this act, punishable by imprisonment not exceeding six months, or a penalty of \$200.

ADULTERATED AND SKIMMED MILK.

Approved March 23, 1883.

Section 1. No milk which has been watered, adulterated, or changed by the addition of water or other substances, or by the removal of cream, shall be kept or offered for sale in any city of the first class in this state.

Sec. 2. Every violation of this act shall be punishable by a fine of \$50 for the first offense or \$100 for a subsequent offense, and such penalty shall be recovered under the act entitled "An act to prevent adulterations and to regulate the sale of milk."

Approved March 14, 1882.

HORSES AND THE SALE OF HORSE FLESH.

Section 1. Local boards of health shall have power to pass, alter, or amend ordinances for the following purposes, in addition to the purposes now authorized by law:

I. To regulate and control the sale of horses for food; to provide for their inspection both before and after slaughtering; and to provide for the granting of permits to carrying on the business of slaughtering horses for food.

II. To regulate the manner of constructing, repairing, furnishing, and caring for houses

and buildings used for the slaughtering of horses, matters relating to sanitary conditions thereof, and to regulate and control the location of such houses and buildings.

Sec. 2. Any local board of health may prescribe a penalty not exceeding \$100 for any violation of any ordinance or section adopted under this act, recoverable under an act entitled "An act to establish in this state boards of health and a board of vital statistics and to define their respective powers and duties," approved March 31, 1887, and the supplements thereto.

Sec. 3. Prohibits the sale of horse flesh unless every carcass, piece, and parcel thereof shall be conspicuously labeled with a tag not less than three inches wide and four inches long, on which shall be printed or stamped in letters not less than one inch in height the words "horse flesh," and a penalty shall be paid for a violation of this act of \$100. Provides further for the recovery of such penalty, with costs of the proceedings, to be had in case of prosecution, and the disposition of such penalty when paid.

Sec. 4. Provides for the jurisdiction under this act, judgments, recovery of the penalty, and disposition of the same.

Sec. 5. Provides for the form of conviction.

SESSION LAWS OF 1902.

VINEGAR.

Sec. 3. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as cider vinegar or as apple vinegar, any vinegar that is not the legitimate product of pure apple juice or not made exclusively from pure apple cider.

Sec. 4. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any vinegar containing any artificial coloring matter, or any vinegar whose degree of acidity shall be less than what is equivalent to the presence of four and one-half per centum by weight of absolute acetic acid, or any cider vinegar that shall not contain, in addition to the degree of acidity hereinabove required for cider vinegar, at least two per centum by weight of cider vinegar solids upon full evaporation over boiling water.

Sec. 5. The provisions of the third, fourth and fifth sections of this act shall be enforced in the same manner as though they had been incorporated in the act to which this act is a supplement.

Sec. 6. The state board of health shall, from time to time, have power to fix the limits of variability permissible in any article of food

or drug, the standard of which is not fixed in any law of this state.

Sec. 7. This act shall take effect immediately.

Approved April 4, 1902.

SESSION LAWS OF 1903.

CHAPTER 126.

Section 1. No person shall knowingly distribute or sell, or offer to distribute or sell, any milk which has been produced by cows that have not been daily supplied with pure and wholesome water, and no person shall wash or attempt to cleanse any can or utensil used for handling and transporting milk in water which he shall have reason to believe is polluted, contaminated or impure.

Sec. 2. Every person who shall violate any of the provisions of the first section of this act shall be liable to a penalty of \$50, which shall be recoverable in the same manner and in any court or before any magistrate that any penalty is recoverable under the provisions of the act to which this act is a supplement.

Sec. 3. This act shall take effect immediately.

FOOD STANDARDS.

Established Under Authority Contained in the Act of the Legislature of New Jersey
Approved April 14, 1902.

MEATS.

1. Meat is any sound, dressed, and properly prepared edible part of animals in good health at the time of slaughter. The term "animals," as herein used, includes not only mammals but fish, fowl, crustaceans, molluscs, and all other animals used as food.

2. Fresh meat is meat from animals recently slaughtered or preserved only by refrigeration.

3. Salted, pickled, and smoked meats are unmixed meats preserved by salt, sugar, vinegar, spices, or smoke, singly or in combination, whether in bulk or in packages.

Standard meat, fresh meat, and salted, pickled, and smoked meats are such as conform respectively to the foregoing definitions.

1. Manufactured meats are meats not included in definitions 2 and 3, whether simple or mixed, whole or comminuted, in bulk or packages, with or without the addition of salt, sugar, vinegar, spices, smoke, oils, or rendered fat.

Standard manufactured meats conform to the foregoing definition. If they bear names descriptive of composition they correspond thereto; if force or flavoring meats are used the quantity thereof is made known. If substances other than those named in the defini-

tion are present the character and quantity thereof are made known.

LARD.

Standard lard and standard leaf lard are lards containing not more than one (1) per cent of substances not fat, necessarily incorporated therewith in the process of rendering.

MILK AND ITS PRODUCTS.

MILKS.

Standard milk is milk containing not less than twelve (12) per cent of milk solids nor more than eighty-eight (88) per cent of watery fluids.

Standard condensed milk is condensed milk containing at least thirty-six (36) per cent of milk solids, of which not less than one-fourth is milk fat and not more than fifty (50) per cent of the total solids is added sugar (sucrose).

MILK FAT OR BUTTER FAT.

Standard milk fat or butter fat has a Reichert-Meissl number not less than twenty-four (24) and a specific gravity not less than 0.905 (40° C. / 40° C.).

CREAM.

Standard cream is cream containing not less than eighteen (18) per cent of milk fat.

BUTTER.

Standard butter is butter containing not less than eighty-two and five-tenths (82.5) per cent of butter fat.

Standard renovated or process butter is renovated or process butter containing not more than sixteen (16) per cent of water and at least eighty-two and five-tenths (82.5) per cent of butter fat.

CHEESE.

Standard whole-milk cheese, full-cream cheese, or cream cheese is cheese containing, in the water-free substance, not less than forty-eight (48) per cent of butter fat.

ICE CREAM.

Standard ice cream is ice cream containing not less than six (6) per cent of milk fat.

SUGAR AND SUGAR PRODUCTS.

Standard sugar is white sugar containing at least ninety-nine and five-tenths (99.5) per cent of sucrose and without any added substance.

Standard molasses is molasses containing not more than twenty-five (25) per cent of water nor more than five (5) per cent of ash.

SYRUPS.

Standard syrup is a syrup containing not more than thirty (30) per cent of water nor more than two and five-tenths (2.5) per cent of ash.

GLUCOSE PRODUCTS.

(a) Standard 70 sugar or brewers' sugar is hydrous starch sugar containing not less than seventy (70) per cent of dextrose and not more than six-tenths (0.6) per cent of ash.

(b) Standard 80 sugar, climax or acme sugar is hydrous starch sugar containing not less than eighty (80) per cent of dextrose and not more than one and one-half (1.5) per cent of ash.

(c) Standard anhydrous grape sugar is anhydrous grape sugar containing not less than ninety-six (96) per cent of dextrose without water of crystallization and not more than six-tenths (0.6) per cent of ash.

The ash of these standard products consists almost entirely of chlorids and sulphates of lime or soda. The standard products are free from deleterious substances.

Standard glucose, mixers' glucose, confectioners' glucose, or corn syrup is colorless glucose, varying in density between forty-one (41) and forty-five (45) degrees Baumé, at a temperature of one hundred (100) degrees F. (37.7° C.). It conforms in density, within these limits, to the degree Baumé it is claimed to show, and for a density of forty-one (41) degrees Baumé contains not more than twenty-one (21) per cent of water and for a density of forty-five (45) degrees not more than fourteen (14) per cent. It contains not more than one (1) per cent of ash consisting chiefly of chlorids and sulphates of lime or soda.

CANDY.

Standard candy is candy containing no terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors or other ingredients injurious to health.

SPICES.

Standard spices are sound spices, true to name, from which no portion of any volatile oil or other flavoring principle has been removed.

Standard allspice is allspice containing not less than eight (8) per cent of quercitannic acid; not more than six (6) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than twenty-five (25) per cent of crude fiber.

Standard black pepper is black pepper containing not less than six (6) per cent of non-volatile ether extract; not less than twenty-two (22) per cent of starch by the diatase method; not less than twenty-eight (28) per cent of starch by direct inversion; not more than six and five-tenths (6.5) per cent of total

ash; not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than three and one-quarter (3.25) parts of nitrogen.

The admixture of pepper shells, pepper dust, and other pepper by-products with pepper is an adulteration.

Standard cayenne pepper is cayenne pepper containing not less than fifteen (15) per cent of nonvolatile ether extract; not more than six and five-tenths (6.5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid; not more than one and five-tenths (1.5) per cent of starch by the diatase method, and not more than twenty-eight (28) per cent of crude fiber.

Standard cinnamon or cassia is cinnamon or cassia containing not more than eight (8) per cent of total ash and not more than two (2) per cent of sand.

Standard cloves are cloves containing not less than ten (10) per cent of volatile ether; not less than twelve (12) per cent of quercitannic acid; not more than eight (8) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Standard ginger is ground or whole ginger containing not less than forty-two (42) per cent of starch by the diatase method; not less than forty-six (46) per cent of starch by direct inversion; not more than eight (8) per cent of crude fiber; not more than eight (8) per cent of total ash; not more than one (1) per cent of lime, and not more than three (3) per cent of ash insoluble in hydrochloric acid.

Standard limed or bleached ginger is limed or bleached ginger containing not more than ten (10) per cent of ash; not more than four (4) per cent of carbonate of lime; and conforming in other respects to standard ginger.

Standard grated or ground horse-radish may be mixed with vinegar, but contains no other foreign materials.

Standard mace is mace containing not less than twenty (20) per cent of nonvolatile ether extract; not more than thirty (30) per cent of nonvolatile ether extract; not more than three (3) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Standard ground mustard is mustard containing not more than two and five-tenths (2.5) per cent of starch by the diatase method and not more than eight (8) per cent of total ash.

Standard nutmegs, ground or unground, are nutmegs containing not less than twenty-five (25) per cent of nonvolatile ether extract; not more than five (5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Standard white pepper is white pepper containing not less than six (6) per cent of non-volatile ether extract; not less than fifty-three (53) per cent of starch by the diatase method; not less than forty (40) per cent of starch by direct inversion; not more than three (3) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than five (5) per cent of crude fiber. One hundred parts of the non-volatile ether extract contain not less than four (4) parts of nitrogen.

VINEGAR.

Sections 3 and 4 of Chapter 183, of the Laws of 1902, fix the standard for vinegar as follows:

Sec. 3. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as cider vinegar or as apple vinegar, any vinegar that is not the legitimate product of pure apple juice or not made exclusively from pure apple cider.

Sec. 4. No person shall distribute or sell, or offer for distribution or sale, or have in possession with intent to distribute or sell, any vinegar containing any artificial coloring mat-

ter or any vinegar whose degree of acidity shall be less than what is equivalent to the presence of four and one-half per centum by weight of absolute acetic acid, or any cider vinegar that shall not contain in addition to the degree of acidity hereinabove required for cider vinegar at least two per centum by weight of cider vinegar solids upon full evaporation over boiling water.

COCOA AND COCOA PRODUCTS.

(The following standards do not apply to cocoa products used exclusively as candy.)

Standard cocoa is cocoa containing not less than twenty (20) per cent of cocoa fat, and percentages of ash, crude fiber, and starch corresponding to those in chocolate after correction for fat removed.

Standard sweet cocoa is sweet cocoa containing not more than sixty (60) per cent of sugar (sucrose), and in the sugar- and fat-free residue no higher percentage of either ash, crude fiber or starch than is found in the sugar- and fat-free residue of plain chocolate.

Standard chocolate is chocolate containing not more than three and seventy-five hundredths (3.75) per cent of ash, three (3) per cent of crude fiber, and nine (9) per cent of starch, nor less than forty-eight (48) per cent of cocoa fat.

Standard sweet chocolate is sweet chocolate containing not more than sixty (60) per cent of sugar (sucrose), and in the sugar- and fat-free residue no higher percentage of either ash, fiber, or starch than is found in the sugar- and fat-free residue of plain chocolate.

DECISION OF THE SUPREME COURT OF NEW JERSEY ON FOOD LAWS.

MILK. It is not necessary to sustain a prosecution under an act to prevent the adulteration of milk to show the particular manner in which an analysis of the milk was conducted; but it is necessary to allege and prove that the milk consisted of more than 88 per cent of watery fluids and less than 12 per cent of milk solids. *Vandegrift vs. Niehla* (N. J. 1901), 49 A. 16.

It is not necessary to show that the defendant knew that the milk was below the legal standard. The legislature has the power to pass laws, the violation of which may be punished without regard to motive or knowledge on the part of the violator; and therefor courts cannot require proof of such knowledge. *Id.*

The official character of a chemist who made the analysis of a sample may be prima facie es-

tablished by his testimony that he was duly appointed for the purpose of making analysis. *Id.*

OLEOMARGARINE. In an indictment under an act forbidding the sale of oleomargarine or other imitations of butter, unless express notice be given to purchaser, it is not necessary to show criminal intent. *State vs. Newton*, 50 N. J. L. 549.

OLEOMARGARINE. The Supplemental Act of March 25, 1895, regarding oleomargarine, does not abrogate the provisions of the original Act. It only applies where the substance is manufactured and sold artificially colored in imitation of yellow butter; while the presence of such coloring is not contemplated by the original Act. *McGuire vs. Doscher*, 65 N. J. L. 139.

PURE FOOD LAWS OF NEW MEXICO.

In the Territory of New Mexico the department of state is specifically charged with the enforcement of the laws against the adulteration of food and drink. A digest of these laws is as follows:

COMPILED LAWS OF NEW MEXICO.

Sec. 1244. Provides that if any person knowingly sells any kind of damaged, spoiled, or unhealthy provisions, either for food or drink, without giving sufficient notice to the purchasers thereof, he shall be fined not exceeding \$500, or imprisoned in the county jail not exceeding six months.

Sec. 1245. If any person shall fraudulently adulterate for the purpose of sale any drug or medicine in such manner as to make same injurious to health, he shall be punished by imprisonment in the county jail not exceeding one year, or fined not exceeding \$300, and such drug or medicines shall be forfeited and destroyed.

Sec. 1246. No person within the Territory of New Mexico shall mix, color, stain or powder, or permit same to be done, any article of food or drugs, with any ingredient so as to render the article injurious to health, or manufacture any article of food, composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance, with intent to sell the same in said Territory. And no person shall sell, in the Territory of New Mexico, any such article, so mixed, colored, stained, powdered or manufactured. A violation of this section is a misdemeanor punishable by a fine of not exceeding \$200 for the first offense, and for each subsequent offense not exceeding \$300, or imprisonment not exceeding one year, or both.

Sec. 1247. No person shall, within said Territory, except for the purpose of compounding, as hereinafter described, mix, color, stain or powder, or order or permit any other person so to do, any drug, with any ingredient or material so as to affect injuriously the quality of such drug, with the intent that the same may be sold in said Territory; and no person shall sell any such drug mixed, colored, stained or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

Sec. 1248. No person shall be convicted under either of the last two foregoing sections if he shows, to the satisfaction of the court, that he did not know of the article of food or drug sold by him being so mixed, colored, stained or powdered, as in said sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

Sec. 1249. No person shall within said Ter-

ritory, sell any article of food or drug which is not of the nature, substance and quality of the article demanded by any purchaser. A violation hereof is punishable for the first offense by a fine not exceeding \$50 and for each subsequent offense not exceeding \$100, or imprisonment not exceeding six months, or both. Provided, that an offense shall not be deemed to be committed under this section in the following cases: First, where any matter or ingredient not injurious to health has been added to the food or drug because the same is required in the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or conceal the inferior quantity thereof. Second, where the drug or food is a proprietary medicine. Third, where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Sec. 1250. No person shall sell in said Territory any compound article of food or compounded drug not composed of ingredients in accordance with the demands of the purchaser. A violation of this section is a misdemeanor punishable by a fine not exceeding \$50. Provided, no person shall be guilty of any such offense if at the time of delivering such article or drug he shall supply to the person receiving the same a label distinctly and legibly written or printed, on or with the article or drug to the effect that the same is mixed.

Sec. 1251. No person shall in said Territory, with intent that same may be sold in its altered state, without notice, abstract from any article of food any part of it so as to affect injuriously its quality, substance or nature, and no person shall sell any article so altered without making disclosure of the alteration. Any person violating this section shall be guilty of a misdemeanor, and fined not exceeding \$100.

Sec. 1252. In any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any proviso contained in this act, the burden of proof shall be upon him.

Sec. 1253. If the defendant in any prosecution under this act proves to the satisfaction of the court that he purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser, with a written guarantee to that effect; that he had no reason to believe when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged.

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"It's Pure"

Grape Juice Apple Juice

"It's Pure"

Clear !

Sparkling !

**Delicious
Flavor !**

**Exquisite
Boquet !**



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Fresh Fruit

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**Canned
Fruit**

STORAGE IN CELLARS

One Hundred Dollars in Gold

will be given for every bottle found to contain preservatives or adulterations of any kind. GOVERNMENT REPORTS showing purity of Gleason's and impurity of most other brands sent on request.

Free Samples to Dealers

GLEASON GRAPE JUICE CO., Fredonia, N. Y., U. S. A.

PURE FOOD LAWS OF NEW YORK.

The pure food laws of the State of New York are enforced by the State Department of Agriculture. The State Board of Agriculture is charged with the enforcement of all those laws relative to all dairy and agriculture products of the state, and the State Board of Health shall take cognizance of the interests of the public health as affected by the sale or use of food and drugs, and the adulterations thereof.

THE STATE DEPARTMENT OF AGRICULTURE CONSISTS OF THE FOLLOWING MEMBERS:

Charles A. Wieting, Commissioner, Cobleskill.

ASSISTANT COMMISSIONERS.

George L. Flanders, 1st Division, Albany.
Frederick J. H. Kracke, 2d Division, 23 Park Row, New York.

Ebenezer J. Preston, 3d Division, Amenia.
T. James Owens, 4th Division, Rensen.
S. Brown Richardson, 5th Division, Lowville.

Charles T. Russell, 6th Division, Munnsville.
Verlett C. Beebe, 7th Division, Arcade.
William T. Hughes, 8th Division, Powers Block, Rochester.

John H. Grant, 9th Division, Ellicott Sq., Buffalo.

James P. Clark, 10th Division, Falconer.

THE STATE BOARD OF HEALTH CONSISTS OF THE FOLLOWING MEMBERS:

Daniel Lewis, M. D., Commissioner.
W. E. Johnson, M. D., Secretary.
F. C. Curtis, M. D., Medical Expert.
T. A. Stuart, Chief Clerk.
F. D. Beagle, Registrar of Vital Statistics.
George Blumer, M. D., Director Bureau of Pathology and Bacteriology.

Professor Willis G. Tucker, Director Bureau of Chemistry.

Rosswell Park, M. D., Director Cancer Laboratory.

Prof. Olin H. Landreth, Consulting Engineer.

P. A. Callen, Consulting Ophthalmologist.
Herbert D. Pease, M. D., Director Anti-Toxin Laboratory.

A digest of the laws is as follows:

CHAPTER 338.

AN ACT IN RELATION TO AGRICULTURE, APPROVED BY THE GOVERNOR APRIL 10TH, 1893.

ARTICLE I.

Section 1. This chapter shall be known as the Agricultural Law.

POWERS OF THE COMMISSIONER, HIS ASSISTANTS AND EMPLOYEES.

Sec. 2. Provides that there shall be a department of the State Government known as the Department of Agriculture, which shall be charged with the execution of all laws relating to agriculture or agricultural products. The Commissioner of Agriculture shall be the chief of the department. He shall be appointed by the Governor. His term of office shall be three years at an annual salary of \$4,000, and necessary expenses not to exceed \$500. He may appoint a director of farmers' institutes, and such clerks and assistant commissioners, chemists, agents and counsel as he may deem necessary for the proper enforcement of such laws and the proper administration of the department, and fix their compensation. The trustees of public buildings shall furnish suitable rooms for the use of the department in the new capitol.

Sec. 3. Provides that the Commissioner, his clerks, assistants, experts, chemists, agents and counsel employed by him shall have full access to all places of business, factories, farms, buildings, carriages, cars and vessels used in the manufacture, sale or transportation within the state of any dairy products, or any imitation thereof, or any article or product with respect to which any authority is conferred by this chapter on such commissioner. They may examine and open any package, can or vessel containing, or believed to contain, any article or product which may be manufactured, sold or exposed for sale in violation of the provisions of this chapter, and may inspect the contents thereof and may take therefrom samples for analysis.

EXPERT BUTTER AND CHEESE MAKERS.

Sec. 4. The Commissioner may appoint not more than five expert butter and cheese makers, who shall, under his direction, examine and inspect butter and cheese factories and attend at agricultural fairs, etc., to impart thereat information as to the best method of making butter and cheese, and improving the quality thereof.

Sec. 5. Provides for a report from the Commissioner of Agriculture on or before January 15th of his work and proceedings, for the year ending December 30th next preceding.

Sec. 6. Every certificate duly signed and acknowledged by a chemist, analyst or other expert employed by said Commissioner, or any

Nicelle Olive Oil

SEVILLE PACKING COMPANY - NEW YORK





MADE IN
NICE, FRANCE
SOLELY
FROM SELECTED
"SOUND" OLIVES

PURITY-ABSOLUTE
FLAVOR-UNIQUE
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PRODUCIBLE

SOLD BY

ALL DEALERS

Lim-Olas
Baby Lim-Olas

"White Label"
Queen Olives

U. S. DEPARTMENT OF AGRICULTURE—BUREAU OF CHEMISTRY.

Bulletin No. 77.

H. W. WILEY, Chief of Bureau.

A perusal of this report shows the Nicelle Olive Oil is pre-eminently the superior of all known brands of olive oil.

	Solid Fatty Acid.	Free Fatty Acid.
Nicelle	3.74%	.76%
Average of all others	9.98	1.50%
Minimum of all others	3.74	

Nicelle Olive Oil is superior to all others on account of the low percentage of fatty acids as this is an index as to the sweetness of the oil and freedom from rancidity.

analysis, examination or investigation made by such analyst, chemist or expert with respect to any matter or product which the Commissioner has authority to examine, shall be presumptive evidence of the facts therein stated.

Sec. 7. The doing of anything prohibited by this chapter shall be evidence of the violation of the provision hereof relating to the things so prohibited, and the omission to do anything directed to be done shall be evidence of a violation of the provisions hereof, relative to the thing directed to be done. The intent of any person so violating the provisions hereof is immaterial in any prosecution. Any person who suffers or permits any violation of this chapter by his agent or otherwise, or in any room or building occupied or controlled by him, shall be a principal in such violation and liable accordingly.

Sec. 8. Whenever the Commissioner shall know or have reason to believe that any penalty has been incurred by any person for a violation of the provisions of this chapter, he may cause an action or proceeding to be brought in the name of the people for the recovery of the same.

Sec. 9. Provides that one-half of all money recovered as penalties or otherwise for violations hereof, or of the penal code relating to the punishment of criminal offenses committed in violation of the provisions of law for the prevention of frauds in the manufacture or sale of any of the articles or products to which this chapter relates, shall be paid to the city or county where the recovery shall be had for the benefit of the poor of such place, except in the city and county of New York, and the city of Brooklyn, where the same shall be paid to the proper authorities and divided equally between the pension funds of the police and fire department. The residue of such moneys shall be paid into the treasury of the state for the purpose of defraying the expenses of the department of agriculture.

Sec. 10. In an action in the Supreme Court for the recovery of a penalty or forfeiture incurred for the violation of any of the provisions of this chapter, an application may be made on the part of the people to the court for an injunction to restrain the defendant, his agents or employes from further violation of such provisions. The Court of Justice to whom such application may be made shall grant such injunction on proof by affidavit that the defendant has been guilty as alleged in the complaint, or of the violation of any such provision subsequent to the commencement of the action, and in the same manner as injunctions are usually granted under the rules and practice of the court. No security on the part of plaintiff shall be required, and costs of the application may be granted or refused by the court. If the plain-

tiff shall recover judgment for any penalty or any forfeiture demanded in the complaint, the judgment shall contain a permanent injunction restraining the defendant, his agents, or employes from any further violation of such provision of the chapter. Any injunction, order, or judgment so obtained may be served on the defendant by posting the same upon the outer door of the defendant's usual place of business, or where such violation was or may be committed, or in the manner required by the code of civil procedure, or the rules and practice of the court. Personal service of injunction shall not be necessary when such service cannot be secured with reasonable diligence, but the service herein provided shall be deemed sufficient in any proceedings for the violation of such injunction.

PREFERENCE ON COURT CALENDAR.

10a. An action now or hereafter brought to recover a penalty provided by section nineteen of said act, chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, shall have a preference upon the calendar of the courts of record of this state next after civil causes entitled to a preference under the provisions of subdivision one of section seven hundred and ninety-one of the code of civil procedure where the attorney for the people therein has given notice, at the time of the service of notice of trial or argument, of a particular day in a term on which he will move. If the action is not moved by him for trial or argument on that day, or as soon thereafter in the same term as the court can hear it the other party may then move the trial or argument, otherwise it shall not be moved out of its order at that term except by the special order of the court. The note of issue filed by such attorney for the people shall state the day in the term on which he has given notice that he will move it, and the clerk of the court shall place such cause upon the day calendar of that day as a preferred cause as hereinbefore provided. No order for the clerk to do so shall be necessary.

Sec. 11. In an action for a penalty or forfeiture incurred by reason of the violation of the provisions of the chapter when the complaint charges the violation of any two or all of such provisions, plaintiff shall not be compelled to elect between the counts under such different provisions, but shall be entitled to recover, if it is found that a violation of any one of such provisions has been committed for which a penalty or forfeiture may be imposed.

595. Jurisdiction. Every police justice shall have power to try the following offenses

RANDALL'S

Unfermented

GRAPE JUICE

Nature's Great Health Drink.

A LIQUID FOOD Made from Grapes Grown in
our Vineyards at Ripley, N. Y.

"For Quality and Sweetness our Concord Grapes have no equal."

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Nature is liberal in her gifts in the famous Chautauqua Grape Belt, and no grapes in the world mature to a more perfect richness in everything needed to make good grape juice than the Chautauqua grapes produced from the vineyards in Ripley, N. Y.

Randall's Grape Juice is pressed from Ripe Concord grapes, prepared and bottled without fermentation.

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**A Nourishing
Food**



Concord

Our Motto: "Not how cheap, but how good."

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Randall's Grape Juice is an ideal home drink. It is good for young and old, and everybody likes it. It is the richest, fruitiest, most healthful table beverage—better beyond comparison than tea or coffee. Randall's Grape Juice is a tonic, not a stimulant. It is a food as well as a beverage. It satisfies the thirst and invigorates the body. It makes new blood and strong nerves.

Its sweetness is due to the natural sugar of the grape, in which Chautauqua grapes excel.

Communion Wine.—It is highly adapted for sacramental use, being a true "fruit of the vine," free from alcohol.

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The only Grape Juice ever awarded a Gold Medal.

Sold Upon Its Merits

Randall's Grape Juice was awarded Bronze Medal, the **HIGHEST AWARD**, at the Pan-American, Buffalo, 1901.

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If your jobber cannot supply you, write

Chautauqua Fruit Company
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"Home of the Concord Grape"

committed within his jurisdiction, namely, cases of malicious mischief or injury; all offenses against public decency; selling unwholesome provisions; breaches of the peace; all violations of the laws and ordinances of the city, and of the board of health thereof, and all other offenses of the grade of misdemeanor under the laws of the state—Revised Statutes, Codes and General Laws, 1901, vol. 1, p. 484.

LAWS OF 1898. CHAPTER 557.

Sec. 1. Amends Sec. 12 or Art 1, Ch. 338, Laws of 1893, so as to read in substance as follows:

Sec. 12. When the commissioner of agriculture, and assistant commissioner or any person authorized by the Commissioner or by this chapter to examine or inspect any product manufactured or offered for sale, shall, in the discharge of his duties, take samples of such product, he shall, before taking a sample, request the person delivering the milk or who has charge of it at the time of inspection, to thoroughly stir or mix the said milk before the sample is taken. If the person so in charge refuses to stir or mix the milk as requested, then the person so requesting shall himself so stir and mix the milk before taking the sample, and the defendant shall be precluded thereafter from introducing further evidence to show that the milk so taken was not a fair sample of the milk delivered, sold, offered or exposed for sale by him. The person taking the sample of milk for analysis shall take duplicate samples thereof, in the presence of at least one witness, and shall, in the presence of said witness, seal both of said samples and shall tender, and if accepted, deliver at the time of taking one sample to the manufacturer or vendor of such product, or person possessing same, with a statement in writing the cause of taking of sample. In taking samples of milk for analysis at a creamery, factory or other place where same is delivered by the producer for manufacture, sale or shipment, or from a milk vendor who produces the milk which he sells, with a view of prosecuting the producer of such milk, for delivering, selling or offering for sale adulterated milk, the said commissioner or assistant or agent shall, within ten days thereafter, with the consent of the producer, take a sample in a like manner of the mixed milk of the herd of cows from which the milk first sampled was drawn, and shall deliver the duplicate sample to the said producer and cause the sample taken by himself or agent to be analyzed; if the sample of milk last taken by the commissioner or agent shall, upon analysis, prove to contain any higher percentage of milk

solid or any higher percentage of food than the sample taken at the creamery, factory or other place, then no action shall lie against said producer for violation of subdivisions of 1, 2, 3, 7 and 8 of Sec. 28 of the Agricultural Law. In taking a second sample as above set forth from the mixed milk of the herd, it shall be the duty of the Commissioner of Agriculture to have an assistant or agent present during the entire time in which the said cattle are being milked, to observe closely, so as to be sure that the milk thus to be sampled is not adulterated, and to see that it is thoroughly mixed so that the sample taken shall be a fair sample of the average quality of the mixed milk of the entire dairy or herd of cows of said producer. If, however, the said producer refuses to allow such examination of the milk produced by his dairy, then he shall be precluded from offering any evidence whatever tending to show that the milk delivered by him at said creamery, factory or other place was just as it came from the cow. If said producer does not permit such examination, the commissioner of agriculture shall, upon receiving application therefor, send to said producer a copy of the analysis of each of the samples of the milk so taken and analyzed as above provided.

ARTICLE II. DAIRY PRODUCTS.

DEFINITIONS.

Sec. 20. The terms "butter" and "cheese" when used in this article mean products of the dairy usually known by those terms, which are manufactured exclusively from pure, unadulterated milk or cream, or both, with or without salt or rennet, and with or without coloring matter or sage. The terms "oleomargarine," "butterine," "imitation butter" or "imitation cheese" shall be construed to mean any article or substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, or any such article or substance into which any oil, lard, or fat not produced from milk or cream enters as a component part, or into which melted butter, or butter in any condition or state, or any oil thereof, has been introduced to take the place of cream. The term "adulterated milk" when so used means:

1. Milk containing more than 88 percentum of water or fluids.
2. Milk containing less than 12 percentum of milk solids.
3. Milk containing less than 3 percentum of fats.
4. Milk drawn from cows within fifteen days before and five days after parturition.

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DANISH BUTTER COLOR—a pure vegetable preparation.

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JUNKET TABLETS—For dainty milk desserts and ice cream.

PURE FOOD COLORS, delicate and harmless; 6 colors—Berry Blue, Grape Green, Plum Purple, Raspberry Red, Lemon Yellow and Orange Gold.

PURE FOOD FLAVORS, absolutely pure; no artificial flavors; only the following twelve natural flavors: Vanilla, Lemon, Orange, Nutmeg, Almond, Allspice, Ginger, Clove, Cinnamon, Rose, Peppermint and Wintergreen.

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LITTLE FALLS, N. Y.

5. Milk drawn from animals fed on distillery waste, or any substance in a state of fermentation or putrefaction, or on any unhealthy food.

6. Milk drawn from cows kept in a crowded or unhealthy condition.

7. Milk from which any part of the cream has been removed.

8. Milk which has been diluted with water or any other fluid, or to which has been added or into which has been introduced any foreign substance whatever.

All adulterated milk shall be deemed unclean, unhealthy, impure and unwholesome. The terms "pure milk" or "unadulterated milk," when used singly or together, mean sweet milk not adulterated; and the words "pure cream" and "unadulterated cream," when used singly or together, mean cream taken from pure and unadulterated milk.

CARE OF COWS.

Sec. 21. No person shall keep cows for the production of milk for market, sale or exchange, or for manufacturing the milk or cream from the same into any article of food, in a crowded or unhealthy condition, or feed such cows on distillery waste, or any substance in a state of putrefaction or fermentation, or upon any food that is unhealthy, or produces impure, unhealthy, diseased or unwholesome milk. This section shall not be construed to prohibit the feeding of ensilage.

43. Care of Cows. A person who keeps a cow or any animal for the production of milk, in a crowded or unhealthy place, or in a diseased condition, or feeds such cow or animal upon any food that produces impure or unwholesome milk, is punishable by a fine of not less than fifty dollars, or imprisonment not exceeding one year, or by both.—Revised Statutes, Codes and General Laws, 1901, vol. 1, p. 80.

LAWS OF 1900.

CHAPTER 101.

Sec. 1. Amends Sec. 22 of Ch. 338, Laws of 1893, so as to read as follows:

Sec. 22. No person shall sell or exchange, offer or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk or any cream from the same, or any unclean, impure, unhealthy, adulterated, colored or unwholesome cream, or sell or exchange or offer or expose for sale or exchange any article of food made from such milk or cream, or manufacture from such milk or cream any article of food.

CHAPTER 429.

LAWS OF 1901.

Sec. 1. Amends Sec. 23, Chapter 338, Laws of 1893, as amended by Chapter 544, Laws of 1900, to read as follows:

Sec. 23. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk diluted with water, or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any of the cream has been taken, except pure skim milk to skim cheese factories. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk from which there has been kept back any part of the milk commonly known as strippings, or any milk that is sour, except pure skim milk, to skim cheese factories. The owner or proprietor or the person having charge of any butter or cheese factory not buying all the milk used by him, shall not use for his own benefit, or allow any of his employes or any other person to use for his own benefit, any milk, cream, butter or cheese, or any other product thereof. Every butter or cheese manufacturer not buying all the milk he uses, shall keep a correct account of all the milk daily received, of the number of packages of butter and cheese made each day, and the number of packages and aggregate weight of cheese and butter disposed of each day, which account shall be open to inspection of any person who delivers milk to such factory. Whenever manufacturers of butter or cheese purchase milk upon the basis of the amount of fat contained therein, and use for ascertaining the amount of fat what is known as the Babcock test, or whenever the proceeds of co-operative creameries and cheese factories are allotted on the basis of determination of milk fat by the Babcock test, the bottles and pipettes used in such test shall before use be examined by the Director of the New York Agricultural Experiment Station. If such bottles are found to be properly constructed and graded so as to accurately show the amount of fat contained in milk, each of them shall be legibly and indelibly marked "S. B." No bottles shall be marked except as herein provided, nor shall be used in any such test by such manufacturers unless so examined and marked. The acid used in making such test by such manufacturers shall be examined from time to time by competent chemists employed by the Commissioner of Agriculture, and if not found of sufficient strength the use of such acid shall be prohibited. The Commissioner of Agriculture and persons employed by him for that purpose may at any time assist in making tests of milk received at any butter or cheese factory for the purpose of

French's Spices

Sold in
Blue Packages
only

Pure *and* Clean



The most Satisfac-
tory Package and
Spices for the Mer-
chant to Handle.

THE R. T. FRENCH COMPANY,
CHICAGO, ILL. Main Offices and
Water Power Mills **TORONTO, ONT.**
ROCHESTER, NEW YORK.

PETER COOPER'S CLARIFIED GELATINE

FOR
WINE, JELLIES, BLANC MANGE,
CHARLOTTE RUSSE

OUR PULVERIZED GELATINE is the most convenient for family use,
as it dissolves in a few minutes.

FOR SALE BY ALL GROCERS

and at 13 Burling Slip, New York City

determining the efficiency of tests usually made at such factory. All persons using other than standard bottles or acid which is not of required strength to accurately determine the amount of fats in milk shall be subject to the penalties prescribed by section 37 of this chapter, and shall be guilty of a misdemeanor.

LAWS OF 1901.

CHAPTER 375.

Sec. 1. Amends Sec. 24, Chapter 338, Laws of 1893, to read as follows:

Sec. 24. No person or persons shall hereafter without the consent of the owner or owners, shipper or shippers, use, sell, dispose of, buy or traffic in any milk can or cans, cream can or cans belonging to any dealer or dealers, shipper or shippers, of milk or cream residing in the State of New York or elsewhere, who may ship milk or cream to any city, town or place within this state having the name or initials of the owner or owners, dealer or dealers, shipper or shippers, stamped, marked, or fastened on such can or cans, or willfully mar, erase, or change by remarking or otherwise said name or initials of any such owner or owners, dealer or dealers, shipper or shippers, so stamped, marked or fastened upon said can or cans, nor shall any person or persons without the consent of such owner use such can or cans for any other purpose than for milk or cream, nor shall any person or persons without the consent of the owner place in any such can or cans any substance or substances, product or products other than milk or cream.

LAWS OF 1894.

CHAPTER 143.

CONDENSED MILK.

Sec. 1. Amends Sec. 25, Chapter 338, Laws of 1893, as amended by Chapter 564, Laws of 1893, to read as follows:

Sec. 25. No condensed milk shall be made, or offered or exposed for sale or exchange, unless manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed, either wholly or in part, or unless the proportion of milk solids shall be in quantity the equivalent of 12 percentum of milk solids in pure milk, and of which solids 25 percentum shall be fat. Any person who shall manufacture, sell, offer for sale or exchange in hermetically sealed cans any condensed milk unless put up in packages, upon which shall be distinctly branded or stamped the name of the person or corporation by whom made, and the brand by which, or under which, it is made. When condensed milk shall be sold from cans or packages not her-

metically sealed the vendor shall brand or label such cans or packages with the name of the manufacturer of the milk contained therein.

LAWS OF 1902.

CHAPTER 385.

OLEOMARGARINE.

Sec. 26. No person, by himself, his agents or employes, shall produce or manufacture out of or from any animal fats, or animal or vegetable oils not produced from unadulterated milk, or cream from the same, the article known as "oleomargarine," or any article or product in imitation or semblance of natural butter produced from pure, unadulterated milk, or cream from the same, or mix, compound with or add to milk, cream or butter, any acids or other deleterious substance, or any animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance, or any human food in imitation or in semblance of natural butter, nor sell, keep for sale or offer for sale any article, substance or compound, made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Any person manufacturing, selling, exposing or offering for sale any commodity or substance in imitation or semblance of butter, the product of the dairy, shall be deemed guilty of a violation of the Agriculture law, whether he sells such commodity or substance as butter, oleomargarine or under any other name or designation whatsoever, and irrespective of any representations he may make relative to such commodity or substance. Any dealer in any article or product the manufacture or sale of which is prohibited in this act who shall keep, store, or display such article or product with other merchandise in stock in his place of business shall be deemed to have the same in his possession for sale.

LAWS OF 1900.

CHAPTER 534.

Sec. 1. Amends Sec. 27 of Ch. 338, Laws of 1893, as amended by Ch. 149, Laws of 1899, so as to read as follows:

Sec. 27. No person shall manufacture, mix or compound with or add to natural milk, cream or butter, any animal fats, or animal or vegetable oils, nor make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same as butter or cheese made from unadulterated milk or cream, or have the same in his possession with such intent. Nor shall any person solicit or take orders for the same or offer the same for

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"BRUT"

"GOLD SEAL" is made by the French process from the choicest grapes grown in our own vineyard, excels any other American wine and equals any imported.

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URBANA WINE CO., Urbana, N. Y., Sole Maker.



sale, nor shall any such article or substance or compound so made or produced, be sold as and for butter or cheese the product of the dairy. No person shall coat, powder, or color with annatto, or any coloring matter whatever, butterine or oleomargarine or any compound of the same, or any product or manufacture made in whole or in part from animal fats or vegetable oils not produced from unadulterated milk or cream, by means of which such product, manufacture or compound shall resemble butter or cheese, the product of the dairy, nor shall he have the same in his possession with intent to sell, nor shall he sell or offer to sell the same. No person, by himself or otherwise, shall manufacture, sell, offer or expose for sale, butter that is produced by taking original packing stock, or other butter, or both, and melting the same so that the butter fat can be drawn off, then mixing the same butter fat with skimmed milk, or milk or cream or other milk product, and re-churn the said mixture, or that is produced by any similar process, and is commonly known as "boiled, or process butter," unless he shall plainly brand or mark the package or tub or wrapper in which the same is put up in a conspicuous place with the words "Renovated butter." If the same shall be put up, sold, offered or exposed for sale in prints or rolls, then the said rolls or prints shall be labeled plainly with printed letters in a conspicuous place on the wrapper with the words "Renovated butter." If the same is packed in tubs, or boxes, or pails, or other kind of a case or package, the words "Renovated butter" shall be printed on the top and side of the same, in letters at least one inch in length, so as to be plainly seen by the purchaser. If such butter is exposed for sale uncovered, not in a package or case, a placard containing the label so printed, shall be attached to the mass of butter, in such manner as to be easily seen and read by the purchaser. No person shall sell, offer or expose for sale any butter or other dairy products containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese or spirituous liquors in club or other fancy cheese, or sugar in condensed milk. No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the agricultural law. Any person, firm, association or corporation, selling or offering or advertising for sale, any substance preparation of matter for use in violation of the provisions of the agricultural law, shall be guilty of a violation of this act.

Sec. 28. No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or place of public enter-

tainment, or any person having charge thereof, or employed thereat, who furnishes board for any others than members of his own family, or for any employes where such board is furnished for a compensation or as part of the compensation of any such employe shall keep, use or serve therein, either as food for his guests, boarders, patrons, customers, employes, or for cooking purposes, any article or substance made in violation of the provisions of this article.

Sec. 29. No person manufacturing with intent to sell any substance or article in imitation or semblance of butter or cheese not made exclusively from unadulterated milk or cream with salt or rennet or both, and with or without coloring matter or sage, but into which any animal fat, intestinal or offal or any oils or fats or oleaginous substances of any kind not produced from pure unadulterated milk or cream, or into which melted butter, or butter in any condition or state, or lard or tallow shall be introduced, shall add thereto, or combine therewith any annatto or compounds of the same, or any other substance, or substances whatever for the purpose or with the effect of imparting thereto a yellow color, or any shade of yellow butter or cheese, or introduce any such coloring matter or other substance into any of the articles of which the same may be composed.

(Section 29 A added by the laws of 1899.)

Sec. 29a. No person, or persons, shall manufacture, sell or expose for sale any poisonous coloring matter for the coloring of food products of any kind, nor shall any person or persons use any poisonous coloring matter manufactured, sold, offered, or exposed for sale within the state, nor sell, or offer, or expose for sale any food product containing such poisonous coloring matter. The State Board of Health shall cause samples of coloring matter that are exposed for sale upon the market for use in food products to be analyzed, and report the results of such analysis to the legislature at the next session.

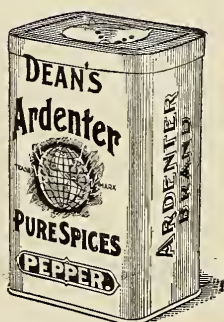
IMITATION CHEESE.

Sec. 30. Prohibits the manufacture, dealing in, selling, offering or exposing for sale or exchange any article or substance in semblance or imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal, or natural fats or oils, or melted butter, or butter in any condition or state, or oleaginous substance of any kind not produced from unadulterated milk or cream shall be introduced.

DEAN'S ARDENTER Strictly Pure Spices and Mustard

This Mustard is warranted pure, to comply with the food laws of different States.

FOR TABLE AND MEDICAL USE



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NEW YORK



GREAT WESTERN CHAMPAGNE

is the purest and most healthful of wines, and has its place in the best homes for daily use. Received the only

GOLD MEDAL

(highest award) given to an American champagne at the Paris Exposition of 1900. The present vintage has never been excelled in excellence, and this company have never made or sold an imitation of any kind or character.



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SOLE MAKERS, - - RHEIMS, N. Y.

Sold by respectable wine merchants everywhere.

WHEN PROHIBITION DOES NOT APPLY.

Sec. 31. Except in the counties of New York and Kings, the prohibitions contained in this article against the sale of adulterated milk shall not apply to skimmed milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming, sold for use in the county in which it is produced, or in adjoining counties, if it is sold for and as skimmed milk. The prohibitions in this article against the sale of cheese made from unadulterated milk or cream shall not apply to pure skimmed cheese made from milk which is clean, pure, healthy, wholesome and unadulterated except by skimming.

CHAPTER 153.

LAWS OF 1898.

Sec. 1. Amends Sec. 32 of Chapter 338 of Laws of 1893, so as to read as follows:

Sec. 32. No person, firm, association or corporation buying or receiving milk not produced from the dairy of such person, firm, association or corporation, for the purpose of selling the same for consumption as such, or for manufacturing the same into butter, cheese, condensed milk or other human food, shall keep the same in utensils, cans, vessels, room or rooms, building or buildings, that are unclean or that have unsanitary surroundings and drainage, or in any condition whatsoever that would tend to produce or promote conditions favorable to unhealthiness or disease. The Commissioner of Agriculture shall notify all persons, firms, associations or corporations violating this section, to clean said utensils, cans, vessels, room or rooms, building or buildings, or to so improve the sanitary conditions that the law shall not be violated. And if such notice is complied with in ten days' time, Sundays excepted, then no action shall lie for a violation of this section. The provisions of this act shall not apply to cities of the first class.

LAWS OF 1898.

CHAPTER 559.

BRANDING CHEESE.

Sec. 1. Amends Sec. 33 of Ch. 338, Laws of 1893, so as to read as follows:

Sec. 33. Every manufacturer of full milk cheese may put a brand upon each cheese indicating "Full milk cheese," and the date of the month and year when made, and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The commissioner of agriculture shall procure and issue to all cheese manufacturers of the state, on application therefor, and under regulations as to the custody and use thereof as he shall prescribe a uniform stencil brand bear-

ing a suitable device or motto and the words "New York State full cream cheese." Every such brand shall be used upon the outside of the cheese and shall bear a different number for each separate factory. The commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using the brand, and the name or names of the persons employed in the manufactory authorized to use the same. No such brand shall be used upon any other than full cream cheese or packages containing the same.

FALSE BRANDS.

No. 34. No person shall offer, sell or expose for sale in any package, butter or cheese falsely branded or labeled.

COUNTY TRADE MARKS.

Sec. 35. At a regular or special meeting of a County Dairymen's Association in any county there may be adopted a county trade mark by a majority of the members present and voting, to be used as a trade mark by any person manufacturing pure, unadulterated butter, or full cream cheese in such county. The Secretary of the Association shall forthwith send to the Commissioner of Agriculture a copy of such trade mark, which shall be placed on file in his office. But one county trade mark for butter and cheese shall be placed on file in the same county. No association shall adopt any trade mark of any county already on file, or use that of any other county in the formation of a trade mark.

OBJECT OF THIS ARTICLE.

Sec. 36. This article, and each section thereof are declared to be enacted to prevent deception in the sale of dairy products, and to preserve the public health, which is endangered by the manufacture, sale and use of the articles or substances herein regulated or prohibited.

LAWS OF 1900.

CHAPTER 559.

Sec. 1. Amends Sec. 37 of Chapter 338, Laws of 1893, as amended by Chapter 435, Laws of 1899, and Chapter 76, Laws of 1900, to read as follows:

Sec. 37. Every person violating any of the provisions of articles 2 and 3, and sections 91 and 92 of the Agricultural Law, and Chapter 491 of the laws of 1898, shall forfeit to the people of the State of New York not less than \$25, nor more than \$100, for every such violation. A person who brings or causes to be brought to a butter or cheese factory, owned or operated by a co-operative association, milk diluted with water, or any unclean, impure, unwholesome, unhealthy or adulterated milk, or milk from which any cream has been taken, except pure skimmed milk to skimmed cheese factories shall

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Grits
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Corn Flour
Hominy Feed
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Rex Corn Flake

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All of our products shipped in packages holding from 6 to 54 gallons.

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SHERRY,
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SWEET CATAWBA.

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BLACKBERRY BRANDY.

forfeit to the people of the state for the first offense the sum of \$50, and for each subsequent offense the sum of \$150. Upon recovery of the penalty so prescribed, one-half thereof shall be paid into the state treasury, one-fourth to the county treasury, and the remaining one-fourth to the treasurer of the co-operative association owning or operating such cheese factory to be divided among the members thereof as the other receipts of such association.

When such violation consists of the manufacture or production of any prohibited article, each day during which, or any part of which, such manufacture or production is continued shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale, offering, or exposing for sale or exchange of any prohibited article, the sale of each one of several packages shall constitute a separate violation, and for each day on which any such article or substance is offered or exposed for sale or exchange shall constitute a separate violation of this article. When the use of any such article or substance is prohibited each day during which, or any part of which, said article or substance is so used or furnished for use shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. Whoever by himself or another violates any of the provisions of article 2 and 3 of sections 91 and 92 of the Agricultural law shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 and not more than \$200 or be imprisoned not less than one month and not more than six months, or both fine and imprisonment, for the first offense and by six months imprisonment for the second offense.

USE OF IMITATION DAIRY PRODUCTS IN STATE INSTITUTIONS.

37a. No money appropriated by law for maintenance and support in whole or in part of a state institution; nor money received by a charitable, benevolent, penal or reformatory institution from the state, or from a county, city or town thereof, or appropriated by such county, city or town for the maintenance or support in whole or in part of such institution; nor money belonging to or used for the maintenance or support of such institution, shall be expended for the purchase of, or in payment for, butterine, oleomargarine, lard cheese, or articles or products in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream, from the same, which articles or products have been rendered or manufactured in whole or in part


from animal fats or animal or vegetable oils not produced from unadulterated milk or cream from the same.

DUTY OF OFFICER OF STATE INSTITUTION.

37b. No officer, manager, superintendent or agent of an institution mentioned in the first section of this act, shall purchase for the use of such institution articles or products for the purchase of which the money appropriated by law, or by a county, city or town, is forbidden to be used by this act, and no person shall sell to, or for the use of such institution, such articles or products. Nor shall such article or products be used as articles of food or for cooking purposes in such institutions within this state.—Revised Statutes, Codes and General Laws, 1901, vol. 1, pp. 38-45.

SEARCH WARRANTS FOR SUSPECTED DAIRY PRODUCTS.

103. A search warrant in the name of the people, directed to a peace officer commanding him to search for dairy products, imitations thereof and substitutes therefor, to open any place of business, factory, building, store, bakery, hotel, tavern, boarding-house, restaurant, saloon, lunch counter, place of public entertainment, carriage, car, boat, package, vessel, barrel, box, tub or can, containing, or believed to contain the same, in the possession or under the control of any person who shall refuse to allow the same to be inspected or samples taken therefrom by the said commissioner, assistant commissioners, or such experts, chemists, agents, or counsel as such commissioner or assistant commissioner shall duly authorize for the purpose, or to which access is refused or prevented, and to allow and enable the officer mentioned in section twelve applying therefor to take such samples of dairy products, imitations therefor and substitutes therefor, found in the execution of the warrant, as the officer applying for the search warrant shall designate when the same are found, shall be issued by any magistrate to whom application is made therefor, whenever it shall be made to appear to him that such person has refused to permit any dairy products, imitations thereof or substitutes therefor, to be inspected or samples taken therefrom, or that access thereto by any officer mentioned in section twelve has been refused or prevented, and that such officer has reasonable grounds for believing that such person has any dairy products, imitations thereof or substitutes therefor in his possession, or under his control, or that he is violating any of the provisions of this act. The provisions of section seven hundred and ninety-one to section



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eight hundred and two both inclusive, of the code of criminal procedure, shall apply to such warrant as far as applicable thereto. The peace officer to whom the warrant is delivered shall make a return in writing of his proceedings thereunder to the magistrate who issued the same.—Revised Statutes, Codes and General Laws, 1901, vol. 1, p. 62.

LABELING SKIMMED MILK; PENALTY.

A person who sells or offers for sale, milk from which the whole or a part of the cream has been skimmed or removed, without disclosing the fact, or having a mark or label, plainly and legibly stating the fact, conspicuously affixed to every can or vessel containing the same, under circumstances not constituting an offense, for the punishment of which provision is otherwise specially made by statute, is guilty of a misdemeanor.—Revised Statutes, Codes and General Laws, 1901, vol. 2, p. 2388.

LAWS OF 1895.

CHAPTER 70.

RELATING TO THE SALE OF OLEO- MARGARINE.

Sec. 1. The Commissioner of Agriculture, subject to the approval in writing of the Governor and Attorney General, is hereby authorized and empowered to settle, compromise and discharge all actions and causes of action or claims arising under the Agricultural Law, since its passage to the passage of this act, for any violation of sections 26, 27, 28 and 29 of the Agricultural Law, relating to the sale or use of oleomargarine so called.

Sec. 2. All moneys received pursuant to any such settlement shall be paid by said Commissioner into the treasury of the state and any settlement so made shall be reported in his next annual report.

LAWS OF 1900.

CHAPTER 543.

Sec. 1. Amends the first paragraph of Sec. 29 of Chapter 376, Laws of 1896, to read as follows: No person shall without the consent of the owner or shipper or his agent use, sell, expose or buy or traffic in any can, irrespective of its condition or the use to which it may have been applied, belonging to any dealer in or shipper of milk or cream in this state, or which may be shipped to any village, town or city in the state which can has the name or initials of such owner, dealer or shipper stamped, marked or fastened thereon, or willfully, mar, erase or change by remarking or otherwise such name or initials.

LAWS OF 1901.

CHAPTER 656.

Sec. 1. Amends Section 37 of the Agricultural Law, entitled "An act in relation to agriculture, constituting articles 1, 2, 3, 4 and 5 of Chapter 33 of the General Laws," as follows:

Sec. 37. Every person violating any of the provisions of the agricultural law shall forfeit to the people of the State of New York the sum of not less than \$50 nor more than \$100 for the first violation, and not less than \$100 or more than \$200 for the second and each subsequent violation. When such violation consists of the manufacture or production of any prohibited article each day during which or any part of which such manufacture or production is carried on or continued shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale or the offering or exposing for sale or exchange of any prohibited article or substances, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is exposed for sale or exchange shall constitute a separate violation, and the furnishing of the same for use of any person to whom the same may be furnished shall constitute a separate violation of the provisions of articles 2, 3, 8, 11 and 12 of Sections 91 and 92 of the Agricultural Law, or of Chapter 491, Laws of 1898, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment of not less than one month nor more than six months, or both, for the first offense, and by six months imprisonment for the second offense.

ARTICLE III.

DEFINITION OF ADULTERATED VINE- GAR.

Sec. 50. All vinegar which contains any proportion of lead, copper, sulphuric acid, or any other ingredients injurious to health, or any artificial coloring matter, or which has not an acidity equivalent to the presence of at least 4 and $\frac{1}{2}$ percentum by weight of absolute acetic acid, or cider vinegar which has less than such an amount of acidity, or less than 2 percentum of cider vinegar solids on full evaporation over boiling water, shall be deemed adulterated. The term "cider vinegar," when used in this article, means vinegar made exclusively from apple juice.

Sec. 51. Prohibits the manufacturing for sale or keeping or offering for sale:

1. Any adulterated vinegar.
2. Any vinegar or product in imitation or

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OLNEY	NECTAR
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We do not make this claim without reason. Our full line consists of **Corn, Succotash, Peas, Refugee Stringless and Golden Wax Beans, Tomatoes, Beets, Pumpkin, Squash, Red Kidney Beans, Green Lima Beans, Baked Beans, and Fruits**, the greater part of which is grown in the fertile Oneida Valley, where the soil is especially adapted to their production.

When in a perfect condition for canning purposes, the vegetables and fruits are ordered in from the growers by inspectors, whose sole business is to watch the growth of the crops and require same to be delivered at the proper time.

Everything about our factory is adapted to taking prompt care of the product as it is delivered; our machinery is up-to-date and the capacity of our plant is fully adequate to handle the most prolific yield.

We place special stress on **CLEANLINESS**; our drainage system is perfect and no refuse is allowed to accumulate around our factory.

Last, and one of the most important facts, we profit by our experience in canning, which dates back over a period of fifteen years. With these advantages we claim for the above trade-marks that superiority in **TENDERNESS** and **NATURAL FLAVOR** which is demanded by the most particular trade and seldom attained by canners.

The Burt Olney Canning Co.

ONEIDA, NEW YORK, U. S. A.

semblance of cider vinegar which is not cider vinegar.

3. As or for cider vinegar, any vinegar or product which is not cider vinegar.

Sec. 52. Every manufacturer or producer of cider vinegar shall plainly brand on the head of each cask, barrel, keg, or other package containing said vinegar, his name and place of business and the letters "cider vinegar." No person shall mark or brand as or for cider vinegar any package containing that which is not cider vinegar.

Sec. 53. A violation of this article is punishable by a fine of \$100 for each violation.

LAWS OF 1898.

CHAPTER 491.

UNWHOLESOME MEAT.

Sec. 1. Amends Chapter 338, Laws of 1893, by adding the following sections, to be known as Sections 71, 72 and 73, which are in substance as follows:

Sec. 71. No person shall slaughter for the purpose of sale as food, or expose for sale or sell within this state, or bring or cause to be brought into any city, town or village within the state for food, any calf or carcass of the same or part thereof, except the hide, unless it is in good healthy condition, and was at least four weeks of age at the time of killing.

Any person authorized by the commissioner of agriculture may examine any calf or veal offered or exposed for sale or kept with intent to sell as food, and if such calf is under four weeks of age or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when so killed, he may seize the same and cause it to be destroyed in such a manner as to make it impossible to be thereafter used as food.

Sec. 72. It shall be unlawful for any corporation, partnership, person or persons to ship to or from any part of this state, any carcass or carcasses of a calf or calves, or any part of such carcass except the hide, unless they shall attach to every carcass or part thereof so shipped, in a conspicuous place, a tag that shall stay thereon during such transportation, stating the name of the person who raised the calf, the name of the shipper, point of shipping, and the destination and age of the calf.

Sec. 73. No railroad company, express company, steamboat company, or other common carrier, shall carry or receive for transportation any carcass or carcasses of calves or any part of same except the hide, unless said carcass or carcasses or part thereof shall be tagged as herein provided.

THE LAWS OF 1902. CHAP. 30.

VEAL.

Sec. 70e. No person shall slaughter for the purpose of selling the same for food, expose for sale, or sell within this state or bring or cause to be brought in any city, town or village in this state for food any calf or carcass of the same, or any part thereof, except the hide, without it is in good, healthy condition and is at least four weeks of age at the time of killing. Any person or persons duly authorized by the commissioner of agriculture may examine any calf or veal found within this state offered or exposed for sale or kept with intent to sell as food, and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when so killed he may seize the same and cause it to be destroyed or disposed of in such manner as to make it impossible to further use as food.

Sec. 70f. On or after the passage of this act it shall be unlawful for any corporation, partnership, person or persons to ship to or through any part of this state any calf or carcass of a calf or calves or any part of such carcass, except the hide, unless they shall attach to every carcass or part thereof so shipped, in a conspicuous place, a tag that shall stay thereon during such transportation, stating the name of the person or persons who raised the calf, the name of the shipper, the points of shipping and destination and age of the calf.

Sec. 70g. No railroad company, express company, steamboat company, or other common carrier shall carry or receive for transportation any calves or carcass of a calf or calves, or any part thereof, except the hide, unless said calves or carcasses or parts thereof shall be tagged as herein provided.

LAWS OF 1898. CHAPTER 194.

MAPLE SUGAR, ETC.

Section 1. Amends Section 91 of Chapter 338, Laws of 1893, so as to read in substance as follows:

Sec. 91. (1) No person shall manufacture for sale, keep, offer or expose for sale any sugar in imitation or semblance of maple sugar, which is not pure maple sugar, nor any syrup in imitation or semblance of maple syrup which is not pure maple syrup, nor shall any person manufacture, offer or expose for sale any sugar as and for maple sugar which is not pure maple sugar, nor any syrup as and for maple syrup which is not pure maple syrup.

(2) For the purposes of this act the term "Maple Sugar" shall be deemed to mean sugar made from pure maple sap or pure maple syrup,

Heyden Sugar

The Perfected Sweetner,

has been used by the most conservative canners and packers in the country for the past eight years. ∴ ∴

As their authority for using it they have the testimony of a great many of the most prominent physicians in the world to the effect that it is not only harmless as used, but positively possesses advantages over Cane Sugar for such purposes.

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and the term "Maple Syrup" shall be deemed to mean syrup made from pure maple sap.

Sec. 2. The following section is hereby added to Chapter 338, Laws of 1893, and shall be known as Section 92:

Sec. 92. No person shall manufacture, sell, or expose for sale any compound or mixture as and for maple sugar, which shall be made up of maple sugar mixed with any other sugar, or any other substance without branding or labeling the said sugar with a statement giving the ingredients of which it is made up. No person shall manufacture, sell, or expose for sale, or offer for sale any compound or mixture as syrup which shall be made up of maple syrup mixed with any other syrup or ingredient without branding or labeling said syrup with a statement giving the ingredients of which it is made up. This shall not be construed to apply to a syrup or syrups manufactured and sold for medicinal purposes only.

BEEET SUGAR CULTURE.

LAWS OF 1897.

Sec. 71. Commissioners of agriculture to apportion moneys appropriated for promotion of sugar beet culture. Money appropriated for the promotion of sugar beet culture by scientific and practical experiment shall be apportioned by the commissioners of agriculture to the persons, firms, associations or corporations entitled thereto, according to the provisions of this article.

LAWS OF 1899.

Sec. 72. Persons, et cetera, to whom moneys may be distributed. Any person, firm, association or corporation, engaged in the manufacture of sugar from beets grown in the state of New York, upon registration in the office of the commissioner of agriculture, and filing a certificate therein, stating the name of such person, firm, association or corporation, the location of the factory, and the capacity thereof, and the time when the manufacture of sugar began or is to begin, shall be entitled to a distributive share of the amount appropriated for the promotion and encouragement of sugar beet culture, as provided in this article. No such person, firm, association or corporation shall receive any portion of the moneys so appropriated, unless all the beets used in the manufacture of such sugar are grown within the state of New York, and unless the grower receive therefor a net sum of not less than five dollars per ton, to be delivered at such point as may be agreed upon by the grower and the manufacturer, and provided such beets are not grown by the manufacturer of such sugar. No money shall be distributed to such manufac-

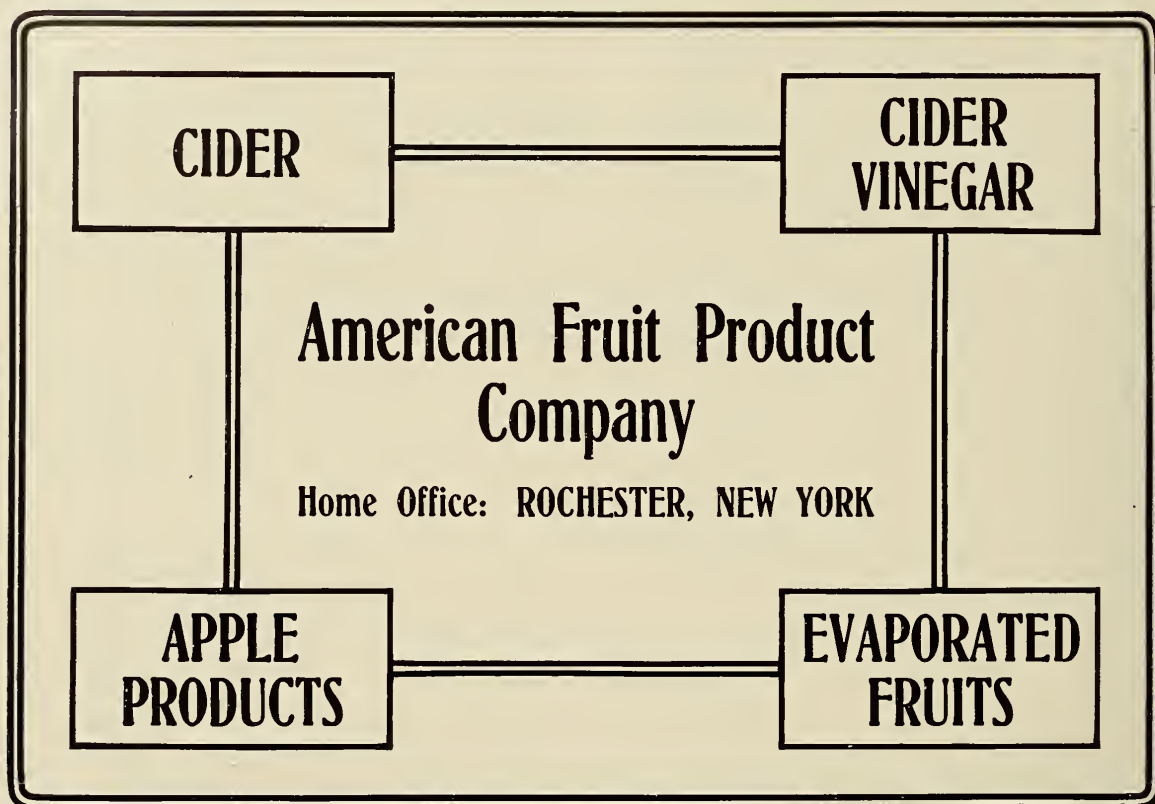
turers unless the sugar manufactured by them shall contain at least ninety per centum of crystallized sugar. The commissioner of agriculture may expend such sum or sums as he may deem necessary or expedient, not exceeding ten per centum of the amount appropriated for the purposes of this article, in practical and scientific experiments in growing sugar beets in one or more sections of this state, for the purpose of determining the adaptability of the soil thereof for the production of sugar beets.

Sec. 2. This act shall take effect immediately, and shall apply to all moneys appropriated by the provisions of chapter one hundred and ninety-one of the laws of eighteen hundred and ninety-eight and not heretofore distributed.

LAWS OF 1897.

Sec. 73. Statements; inspections, branding of packages. The quantity and quality of sugar upon which said money is to be paid shall be determined by the commissioner of agriculture of this state, with whom all claimants shall, from time to time, file verified statements showing the quantity and quality of sugar manufactured by them, the price paid the producer for beets and upon which said money is claimed. The said commissioner shall, without unnecessary delay, visit or cause to be visited by such persons as he shall designate in writing the factory where said sugar has been produced or manufactured, and take such evidence by the sworn testimony of the officers or employes of such factory or others, as to the amount and quality of sugar so manufactured, and the price paid for beets as to him or the person so designated by him shall appear satisfactory and conclusive. The sugar so manufactured shall be placed by the manufacturer in original packages, which shall be examined and branded by the said commissioner or person by him designated, with a suitable brand, showing the quantity and the quality of sugar contained in each of said packages, of which an accurate account shall be kept by said inspector, and filed in the office of the commissioner of agriculture of this state.

Sec. 74. Inspectors, to be appointed by the commissioner. It shall be the duty of the commissioner of agriculture to appoint a resident inspector in each town or city where one or more manufactories of sugar may be located in this state, the aggregate output of which factories shall exceed two thousand pounds of sugar per day, and such examiner shall make such examinations, take such evidence and make such records and reports as is specified in section two of this act. The compensation or fee for such service of said inspector shall not



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exceed the sum of twenty-five cents for each package so branded, nor the sum of five dollars per day for any one day's service, and such resident inspector shall be required to give a good and sufficient bond in the sum of not less than two thousand dollars to the state of New York, contingent on the faithful performance of his duties, said bond to be approved by the said commissioner of agriculture. Said fees or compensation, together with the cost of said brand and any and all analysis that the said commissioner of agriculture or other authorized inspector shall require to be made, shall be borne and paid by the claimant of said money.

LAWS OF 1899.

Sec. 75. Weighman, powers and duties. It shall be the duty of the commissioner of agriculture to appoint at each sugar manufactory in this state where the output of such manufactory shall exceed two thousand pounds of sugar per day, a person who shall weigh all beets received by the person or persons, corporation or association operating said manufactory. Such person shall be known as the weighman, and he shall keep accurate record of all duties performed by him. He shall discharge all duties pertaining to his position in an impartial manner, and shall furnish the commissioner of agriculture with a good and sufficient bond in the sum of two thousand dollars for the faithful discharge of his duties as prescribed by this act. The commissioner of agriculture may appoint such person or persons to assist said weighman as the service to be performed may require. Each person so appointed shall give bond as provided by this section. The weighman shall take into his possession, promptly on receipt of beets at such manufactory, such samples of beets as he deems fair and equitable, from which to remove dirt or other dockage. He shall then promptly weigh all beets from which samples have been taken and keep an accurate record of all weights, and all of such records shall show the names of both the seller and the buyer. The weights furnished by said weighman shall be accepted by both the seller and the buyer, and upon such weight so furnished settlement between the seller and the buyer shall be made. The compensation or fee allowed such weighman shall not exceed the sum of five dollars per day for time actually employed and for his assistants a sum not to exceed three dollars per day for the time actually employed. All expenses arising from the duties of said weighman or his assistants, as prescribed by this act, shall be paid by the person or persons, corporation or association operating such manufactory where such expense is in-

curred. The foregoing provisions of this section as to weighing shall not apply to such beets as are weighed by agreement of the buyer and seller at the station of shipment, but the weighing in such cases shall be done by persons appointed by the commissioner of agriculture and the expense of such weighing shall be borne as provided in this act.

Sec. 2. This act shall take effect immediately.

LAWS OF 1897.

Sec. 76. Distribution of moneys by commissioner of agriculture. On or before the first day of February in each year, the commissioner of agriculture shall prepare a detailed statement of the quantity of sugar manufactured by each person, firm or association or corporation entitled to receive a portion of the moneys appropriated for the promotion and encouragement of sugar beet culture. He shall apportion to each such person, firm, association or corporation the moneys so appropriated according to the amount of sugar of the grade described in this article manufactured by each of them during the preceding year. Not more than one cent a pound shall be paid in any one year on account of the sugar so manufactured. Such commissioner of agriculture shall certify to the comptroller the amount apportioned to each manufacturer of sugar according to the provisions of this article; and the comptroller shall draw his warrant upon the state treasurer for the amount so certified, payable to the party or parties to whom such apportionment was made.

Sec. 2. Articles five and six of said act are hereby made articles six and seven.

Sec. 3. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be paid in the manner prescribed in this act for the purpose of making effectual the provisions thereof.

Sec. 4. This act shall take effect immediately.

SALE ADULTERATION OR MISBRANDING OF FOOD AND FOOD PRODUCTS.

CHAPTER 524.

An act to amend the agricultural law, relative to the sale, adulteration or misbranding of food and food products.

Became a law, May 9, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," is hereby amended by adding at the end thereof a new article to be known as article eleven and to read as follows:

ARTICLE XI.

Sec. 164. Prohibition as to adulteration or misbranded food.—No person or persons, firm, association or corporation shall within this state, manufacture, produce, sell, offer or expose for sale any article of food which is adulterated or misbranded within the meaning of this act. The term food as used herein shall include all articles used for food, confectionery or condiments by man whether simple, mixed or compound.

Sec. 165. Definition of adulterated or misbranded food.—In the case of confectionery, an article shall be deemed to be adulterated if it contain terra alba, barytes, tale, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health. In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the state or territory in which it is manufactured or produced: Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: Provided, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: And provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.

Sec. 2. This act shall take effect immediately.

THE PUBLIC HEALTH LAW.

THE ENFORCEMENT OF THE FOLLOWING LAWS COME WITHIN THE PURVIEW OF THE DUTIES TO BE PERFORMED BY THE STATE BOARD OF HEALTH.

ARTICLE III.

DEFINITION.

Sec. 40. The term "food" as used herein shall include every article of food and every beverage used by man, and all confectionery. The term "drug" when so used shall include all medicines for external and internal use.

Sec. 41. No person shall within the state manufacture, produce, compound, brew, distil, have, sell or offer for sale, any adulterated food or drug. An article shall be deemed to be adulterated within the meaning of this act:

A. In the case of drugs:

1. If when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein.

2. If when sold under or by name not recognized in the United States Pharmacopœia, but which is found in some other Pharmacopœia or other standard work of Materia Medica, it differs materially from the standard of strength, quality or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

B. In the case of food:

1. If any substance or substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted in part or in whole for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation of or sold under the name of another article.

5. If it consists wholly or in part of a diseased, putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk if it is the produce of a diseased animal.

6. If it be colored, coated, polished or powdered whereby damage is concealed, or whereby it is made to appear better than it really is, or of greater value.

7. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it. Provided that an article of food which does not contain any ingredient injurious to health shall not be deemed to be adulterated. In the case of mixtures or compounds which may be now or from time to time thereafter known as articles of food under their own distinctive names, or which shall be labeled so as to plainly indicate that they are mixtures, combinations, compounds or blends, and not included in definition fourth of this section.

C. In the case of spirituous, fermented and malt liquors, if it contain any substance or ingredient not normal or healthy to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health, when such liquors are used as a beverage. In the case of ale or beer if it contains any substitute for hops, or pure extract of hops, or if any such substitute is used in the manufacture thereof.

D. In the case of confectionery, if it contains terra alba, barytes, talc or other mineral substance, or poisonous colors or flavors or other ingredients deleterious or detrimental to health. If the standard of any article of any food or any drug is not established in a national pharmacopœia. The State Board of Health shall from time to time fix the limit of variability permissible therein. The State Board of Health may from time to time with the ap-

proval of the Governor declare what articles or preparations shall be exempt from the provisions of this article and publish a list of said articles which shall thereafter be so exempt. Every person violating any of the provisions of this section shall forfeit to the people of the state the sum of \$100 for every such violation.

DILUTED OR ADULTERATED FOODS.

41a. 1. A person who, with the intent that the same may be sold as adulterated or undiluted, adulterates or dilutes wine, milk, distilled spirits or malt liquor, or any drug, medicine, food or drink, for man or beast, or,

SALE OF ADULTERATED OR DILUTED FOODS AS GENUINE.

2. Knowing that the same has been adulterated or diluted; offers for sale or sells the same as unadulterated or undiluted, or without disclosing or informing the purchaser that the same has been adulterated or diluted in a case where special provision has not been made by statute for the punishment of the offense, or,

CANAL ICE.

3. Sells or offers to sell, or stores or transports with intent to sell for any purpose other than cooling beer in casks, ice cut from any canal or from the wide waters or basins of any canal, unless the ice so sold, or offered for sale or stored or transported, is contained in a building, cart, car, sleigh, float or receptacle upon which is plainly marked in Roman or capital letters, not less than eight inches square, the words "canal ice" or,

MAPLE PRODUCTS AND HONEY.

4. Who shall adulterate maple sugar, maple syrup, or honey, with glucose, cane sugar or syrup, beet sugar or syrup, or any other substance for the purpose of sale, or who shall knowingly sell or offer for sale maple sugar, maple syrup or honey that has been adulterated in any way, shall be deemed guilty of a misdemeanor.

CANNED FOODS, ETC.

5. Violate any provisions of section thirty of the domestic commerce law, relating to canned and preserved food.

41b. Adulteration of Fruit Juices, etc.; Penalty. Any person who shall knowingly sell, offer or expose for sale, or give away, any compound or preparation composed, in whole or in part, of any unwholesome, deleterious or poisonous acid, or other unwholesome, deleterious or poisonous substance as a substitute for the pure, unadulterated and unfermented juice of lemons, limes, oranges, currants, grapes, apples, peaches, plums, pears, berries, quinces, or other natural fruits, representing such compound or preparation to be the pure, unadul-

terated and unfermented juice of any of such fruits; or who, in the mixing, decoction, or preparation of food or drink, shall knowingly use any such compound or preparation in the place of, or as a substitute for, the pure, unadulterated and unfermented juice of one or more of such fruits, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than two hundred and fifty dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

TAINTED OR SPOILED FOODS, ETC.

41c. A person who with intent that the same may be used as food, drink, or medicine, sells or offers or exposes for sale, any article whatever which to his knowledge, is tainted or spoiled, or for any cause unfit to be used as such food, drink, or medicine, is guilty of a misdemeanor.

IMITATION FOODS.

41d. A person who sells or manufactures, exposes or offers for sale as an article of food any substance in imitation thereof, without disclosing the imitation by suitable and plainly visible mark or brand, is guilty of a misdemeanor.—Revised Statutes, Codes, and General Laws, 1901, vol. 2, pp. 2816-2817.

DRUGS.

197. Subdivision 1. Standard. Unless otherwise prescribed for, or specified by the customer, all pharmaceutical preparations, sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity, established by the latest edition of the United States Pharmacopœia.

Subdivision 2. Responsibility of Druggist. Every proprietor of a wholesale or retail drug store, pharmacy, or other place where drugs, medicines or chemicals are sold, shall be held responsible for the quality and strength of all drugs, chemicals or medicines sold or dispensed by him, except those sold in original packages of the manufacturer, and those articles or preparations known as patent or proprietary medicines.

Subdivision 3. Adulteration of Drugs. Any person who shall knowingly, willfully or fraudulently, falsify or adulterate any drug, medical substance or preparation, authorized or recognized in the said Pharmacopœia, or used or intended to be used in medical practice or shall knowingly, willfully or fraudulently offer for sale, sell or cause the same to be sold, shall be guilty of a misdemeanor; all drugs, medical substances, or preparations so falsified or adulterated shall be forfeited to the board and by the board destroyed.—Revised Statutes, Codes and General Laws, 1901, vol. 2, p. 2861.

FLOUR.

70. Quality of Flour Casks. All wheat flour, rye flour, Indian meal or buckwheat meal manufactured in this state for exportation shall be packed in good strong casks made of seasoned oak or other sufficient timber, and hooped with at least ten hoops, three of which shall be on each chime, and properly nailed.

71. Size of Flour Casks. The casks shall be of two sizes only. One size shall contain one hundred and ninety-six pounds of flour or meal, with staves twenty-seven inches long and each head sixteen and one-half inches in diameter; and the other size shall contain ninety-eight pounds, with staves twenty-two inches long and each head fourteen inches in diameter, or with staves twenty-seven inches long and each head not more than twelve inches in diameter. But Indian meal may likewise be packed in hogsheds which shall contain eight hundred pounds.

72. Brand of Weight and Manufacturer. The casks shall be made as nearly straight as may be, and their tare shall be marked on the head with a marking iron; they shall be branded with the weight of the flour and meal contained therein, and branded or painted with the initial letter of the Christian name and the surname at full length of the manufacturer thereof; except hogsheds of Indian meal, on which the weight only shall be branded.

73. Quality Brand. Every such cask of wheat flour shall also be branded as follows: If of a very superior quality "extra superfine," if of a quality now branded "superfine" with the word "superfine;" if of a third quality, "fine;" if of a fourth quality, "fine middlings;" if of a fifth quality, "middlings;" if of a sixth quality, "ship stuffs."

74. Quality Brand for Rye Flour. Each cask of rye flour intended for the first quality shall be branded with the words "superfine rye flour;" and each cask intended for the second quality with the words "fine rye flour."

75. Brands for Indian Meal and Buckwheat. Each cask of Indian meal shall be branded with the words "Indian meal;" and each cask of buckwheat meal, with the letter and the word "B meal."

76. False Brands; Penalty. A person shall not knowingly offer for sale any cask of flour or meal upon which the tare is undermarked, or in which there is a less quantity of meal than is branded thereupon. A manufacturer of flour or meal shall not undermark the tare of any cask, or put therein a less quantity of meal than is branded thereupon; but if the light weight of any such cask has been occasioned by some accident unknown to the manufacturer,

and which happened after the packing of the cask, it shall not be deemed a violation of this section. A person violating any provision of this section shall forfeit to the people of the state the sum of five dollars for every such violation.

77. Altering or Counterfeiting Brands; Penalty. No person shall alter or counterfeit any brand marks, whether state or private, made under the provisions of this article, or put any flour or meal in any empty cask previously used and branded, and offer the same for sale in such cask without first cutting out the brands. A person violating the provisions of this section in regard to altering or counterfeiting any brand marks shall forfeit to the people of the state the sum of one hundred dollars for each such violation, and a person violating any other provision of this section shall forfeit to the people of the state the sum of five dollars for each violation.

78. Mixed Flours; Penalty. No person shall knowingly offer for sale as good wheat flour, any flour which contains a mixture of Indian meal, or any other mixtures, or any unsound flour. A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

79. Transportation of Indian Meal; Penalty. No person having charge of any vessel shall transport, into the city of New York, any Indian meal upon the deck of any vessel. Every person violating this section shall forfeit to the people of the state twenty cents for every barrel and eighty cents for every hogshead transported in violation of any provision of this section.—Revised Statutes, Codes and General Laws, 1901, vol. 1, pp. 1035-1036.

DUTIES OF THE STATE BOARD OF HEALTH.

Sec. 42. The State Board of Health shall take cognizance of the public health as affected by the sale and use of food and drugs, and the adulterations thereof, and make the necessary inquiries and investigations relating thereto. They shall appoint such public analysts, chemists and inspectors as may be necessary for that purpose. It shall from time to time adopt such measures and make such regulations and declarations in addition to the provisions of this article as may seem necessary to facilitate the enforcement of this article, or for the purpose of making an examination or analysis of any food or drug sold or exposed for sale in the state and such regulations and declarations made in any year shall be filed in the office of the secretary of state, and published in the session laws, and published after the expiration of thirty days from such filing.

SPIRITUOUS, FERMENTED OR MALT LIQUORS.

Sec. 43. The State Board of Health shall at least once in each calendar year cause samples to be procured in the public market or otherwise of all spirituous, fermented or malt liquors, distilled, brewed, manufactured, sold or offered for sale in each brewery and distillery located in this state. Such samples shall be kept in vessels in a condition to obtain a proper test and analysis thereof.

Such vessels shall be properly labeled and numbered by the secretary of such board, who shall prepare and keep an accurate list of the numbers of the distillers, brewers and vendors of the liquors from which the samples are taken, and opposite each name shall appear the number which is printed or written on the label attached to the vessel containing the sample. Such lists, numbers and labels shall be exclusively for the information of such board and shall not be exposed or published unless upon discovery of some deleterious substance therein prior to the completion of the analysis, or required for evidence in court. When received and numbered, every such sample shall be delivered to an analyst, chemist or officer of the board, and be designated and known to him only by its number and by no other mark of designation. A test of analysis of such sample shall be made by such analyst, chemist or officer which shall determine the ingredients or component parts thereof. The result of such analysis or test shall immediately be reported by the person making same to the secretary of such board, setting forth explicitly the nature of any deleterious substance, compound or adulteration found therein which may be detrimental to public health, and the number of samples in which it is found. Any brewer, distiller or vendor in whose samples any such substance, compound or adulteration is found upon any such test or analysis, shall be deemed to have violated the provisions of this article, prohibiting the manufacture, selling, having or offering for sale adulterated food.

Sec. 44. Every person selling, offering, or exposing for sale or manufacturing or producing any article of food, or any drug, shall upon the value thereof being tendered, furnish any analyst, chemist, officer or agent of the State Board of Health, or of any local Board of Health, with a sample of any such article or drug sufficient for the purpose of analysis or test. For every refusal to furnish the same the person so refusing shall forfeit to the people of the state the sum of \$100.

MILK.

Sec. 45. When a health officer or other officer shall seize, or destroy, or cause to be seized or destroyed any milk, he shall take a sample thereof in the presence of at least one witness, and shall in such presence seal such sample and tender it to the vendor or person having such milk, and if accepted shall deliver therewith a statement of the date and cause of such seizure or destruction. Any health officer violating the provisions of this section shall be liable to a penalty of \$50 to be recovered by the person aggrieved.

ADULTERATION OF WINE.

Sec. 46. All wines containing alcohol, except such as have been produced by natural fermentation of pure, undried fruit juices or combined with distilled spirits, whether denominated wines, or by any other name, which may be used as a beverage, or combined with other liquors intended for use, and all compounds of the same with pure wine, and all preserved fruit juices compounded with substances not produced from undried fruit intended for use as a beverage, or for use in the fermentation or preparation of liquors intended for such use, and all wines, imitations of wines, or other beverages produced from fruit which shall contain alum, baryta, salts, caustic lime, carbonate of soda, carbonic acid, salts of lead, glycerine, salic acid, or any other antiseptic coloring matter not produced from undried fruit, artificial flavoring, essence of ether, or any other foreign substance injurious to health, shall be known as, or deemed to be, adulterated wine and shall not be sold, offered for sale or manufactured with intent to sell within the state. All such wine and every such beverage shall be deemed a public nuisance and forfeited to the state and be summarily seized and destroyed by any health officer within whose jurisdiction it shall be found, and the reasonable expense of such seizure shall be a county charge.

PURE WINE DEFINED.

Sec. 47. For the purpose of this article, pure wine shall be deemed to mean the fermented juice of undried grapes, or other undried fruits, but the addition of pure sugar to perfect wine, or pure distilled wines to preserve it, not to exceed 8 per cent of its volume, or the use of things necessary to clarify or refine the wine, not injurious to health, shall not be construed as adulteration, if such wine contain at least 75 per cent of pure grape or other undried fruit juice.

HALF WINE AND MADE WINE DEFINED; PACKAGES, HOW STAMPED OR LABELED.

Sec. 48. For the purpose of this act, any wine that contains less than 75 per cent and more than 50 per cent of pure grape, or other undried fruit juice, and is otherwise pure, shall be known as half wine, and upon each and every package of such wine manufactured with intent to sell, sold or offered for sale within this state, if containing more than three gallons, there shall be stamped on both ends of the package containing the same in black printed letters at least one inch in height, the proper proportion in width, the words "Half wine," and if containing more than one quart, and not more than three gallons, there shall be stamped on each package in plain printed black letters at least one-half inch high, and of the proper proportion as to width, the words "Half wine"; and if in a package or bottle of one quart or less, there shall be placed a label, securely pasted thereon, having the words "Half wine" plainly printed in black letters, at least one-quarter of an inch high, and of proper proportions as to width. If any number of small packages is enclosed in a larger package, as a box, barrel, case, or cask, such outside package shall have thereon the stamp of "Half wine," in letters of a size, according to the size of such outer package. Every person who shall sell, offer for sale, or manufacture with intent to sell any wine containing less than 50 per centum of pure grape or other undried fruit juice, and otherwise pure, shall cause all the packages containing the same to be stamped, marked and labeled with the words "Made wine," in the same manner as "Half wine," so required in this section to be stamped, marked and labeled, and all such wine shall be known and sold as "Made wine."

PENALTIES.

Sec. 49. Every person who manufactures with intent to sell, sells, or offers for sale within the state any wine of a kind or character, the manufacture or offering for sale or sale of which is prohibited by this article or which is not stamped, marked or labeled as required herein, shall forfeit to the county wherein such manufacture, sale or offering for sale takes place the sum of one-half dollar for each gallon thereof so sold or manufactured with intent to sell. The provisions of the three preceding sections of this article shall not apply to medicated wines which are put up and sold for medicinal purposes only.

REPORT TO DISTRICT ATTORNEY.

Section 50. Upon discovering any violation of the provisions of the Penal Code relating to

the adulteration of foods and drugs, the said Board of Health shall immediately communicate the facts to the district attorney of the county where the violation occurred, who shall thereupon commence proceedings for the indictment and trial of the person so charged. Nothing in this act shall be construed to in any way repeal or affect any of the provisions of chapter 183 of the Laws of 1885, or the acts amendatory thereof, or supplemental thereto, or of chapter 515 of the Laws of 1899, nor to prohibit the coloring of butter made from milk, the product of the dairy, or the cream from the same with coloring matter which is not injurious to health.

CANNED GOODS.

30. Labeling of Canned Goods; Penalty. No packer or dealer in hermetically sealed, canned or preserved fruits, vegetables or other articles of food within this state excepting canned or condensed milk or cream, shall sell or offer the same for sale for consumption within this state, unless the cans or jars containing the same shall have plainly printed upon a label thereupon with a mark or term clearly indicating the grade or quality of the articles contained therein, the name, address and place of business of the person or corporation canning or packing them, or the name of the wholesale dealer in the state selling or offering the same for sale, and the name of the State, county and city, town or village where packed, preceded by the words "packed at."

If containing soaked goods or goods put up from products dried or cured before canning, there shall also be printed upon the face of such label in good legible type, one-half of an inch in height and three-eighths of an inch in width, the word "soaked."

Goods imported from foreign countries of foreign manufacture shall not be subject to the provisions of this section.

Any person violating any of the provisions of this section shall forfeit to the city, village or town where the violation occurs, the sum of fifty dollars, if a retail dealer, and the sum of five hundred dollars if a wholesale dealer or packer.—Revised Statutes, Codes and General Laws, 1901, vol. 1, p. 1825.

HONEY.

LAWS OF 1902. CHAP. 214.

Sec. 80a. Definition. The terms honey, liquid, or extract honey, strained honey, or pure honey as used in this act, shall mean the nectar of flowers that has been transported by and is the natural product of the honey bee taken from the honey comb and marketed in a liquid, candied or granulated condition.

Sec. 80b. Imitation Honey. No person shall sell, keep for sale, expose or offer for sale any article or product in imitation or semblance of honey branded as honey, or pure honey which is not pure honey. No person or persons, firm, association, company or corporation shall manufacture, sell, expose or offer for sale any compound or mixture branded and labeled as and for honey which shall be made up of honey mixed with any other substance or ingredient. There may be printed on the package containing such compound or mixture a statement giving the ingredients of which it is made; if honey is one of such ingredients it shall be so stated in the same sized type as are any other ingredients, but it shall not be sold, exposed or offered for sale as honey; nor shall such compound or mixture be branded or labeled with the word honey, or any other form that is herein provided; nor shall any product in semblance of honey, whether a mixture or not, be exposed or offered for sale as honey or be branded or labeled with the word honey unless such article is pure honey.

REGULATIONS OF THE STATE BOARD OF HEALTH.

The state board of health at a meeting held on the twenty-fourth of February, eighteen hundred and eighty-three, unanimously adopted the following resolutions:

Resolved, That under and pursuant to section four of chapter two hundred and seven of the laws of eighteen hundred and eighty-one, the following mixtures when distinctly labeled in the manner provided in subdivision seven of section three of said act, are within the conditions hereinafter prescribed declared to be exempt and permitted to be sold under the provisions of the said act.

1st. Coffee mixtures containing no other substances except chicory, peas or cereals, and in which mixtures the pure coffee shall not be less than fifty per cent of the whole mixture or compound, provided the exact percentage of coffee be printed upon the label of each package.

2d. Mustard mixture with wheat or rice flour, to which no other substance, or article, or any coloring matter except turmeric is added, and in which mixture the pure farina of mustard shall not be less than forty per cent of the whole mixture or compound, exclusive of the mustard hulls.

The labels on the above mixtures shall contain the names of each and every ingredient of the mixture.

The labels shall also exhibit the percentage of the characteristic constituents; for example,

the percentage of coffee in the coffee mixture, and the percentage of mustard in the mustard mixture.

The above mentioned information shall be printed on the labels in black ink, in legible antique type of a size easily to be read, on one side of the package.—Approved March 24, 1883.

At a meeting of the state board of health, held at the central office, January 16, 1883, the following resolution was adopted:

50b. Resolved, That under and pursuant to section four of chapter four hundred and seven of the laws of eighteen hundred and eighty-one the state board of health hereby fixes the limits of variability permissible in cider vinegar, which shall not contain less than five per cent of pure acetic acid, and shall not leave on evaporation less than one and one-half per cent of solid matters, the same being weighed after drying, at 212 degrees Fahrenheit.—Filed June 11, 1883.

The state board of health, by virtue of power conferred, at a meeting, held on the 23d of November, 1886, does hereby declare:

50c. That under and pursuant to section four of chapter four hundred and seven of the laws of eighteen hundred and eighty-one, the following goods when distinctly labeled in the manner provided in subdivision seven of section three of said act, are within the conditions hereinafter prescribed declared to be exempt and permitted to be sold under the provisions of the said act.

Canned peas or beans in the preparation of which copper has been used, provided that the proportion of metallic copper shall not exceed three-fourths of a grain per avoirdupois pound of peas or beans, equivalent to three grains of crystallized sulphate of copper, and that the same be plainly stated on the label.—Approved, Dec. 2, 1886.

DECISION OF THE SUPREME COURT OF NEW YORK ON FOOD LAWS.

ADULTERATION is the corruption by mixture with some foreign substance or with what is less valuable. *People vs. West*, 44 Hun. (N. Y.) 162.

BUTTER. Held that a grocery man who sold an article representing it to be butter, which contained a fourth part of foreign butter, is guilty of a violation of the act which prohibits the sale of any substance not butter as butter. *People vs. Mahaney*, 41 Hun. (N. Y.) 26.

UNWHOLESOME FOOD. It is just as much of an offense to sell unwholesome beef to a wholesale merchant as it is to sell it directly to the consumer. *People vs. Parker*, 38 N. Y. 35.

UNWHOLESOME MEAT. It is not necessary to show an indictment for selling unwholesome meat that sickness resulted from eating it. Dealers have no right to continue selling unwholesome food until someone is made sick by its use. *Goodrich vs. People*, 19 N. Y. 577.

COFFEE. COLORING. Under the law of 1893 the sale of colored coffee is not illegal unless the process of coloring has injured the coffee, or the coloring conceals some damage to it, or it makes the coffee appear better and of a greater value than it really is. *Crossman vs. Lurman*, 54 N. Y. Supp. 72.

LEMONADE. A mixture known as "Eiffel Tower Lemonade" was found to consist of 48 per cent sugar, 35 per cent tartaric acid, 12 per cent citric acid, and 5 per cent oil of lemon. There were pictures of lemons posted on each box and also a statement that 38,000,000 lem-

ons had been used the last year in making "Eiffel Tower Lemonade." The statement also went on to say that the "Eiffel Tower Lemonade" was manufactured in the orchard where the lemons were grown by concentrating the lemons in said orchard. In the trial the defendant testified that 52,000,000 lemons had been used in the last year in making "Eiffel Tower Lemonade" and that the oil of lemon used was made from the lemon rind. It was held, that under the law against the sale of adulterated beverages and the sale of an inferior substance under the name of or as an imitation of another substance of greater value, a verdict finding the defendant guilty of selling an inferior article as lemonade should be sustained, as tartaric acid is cheaper considerably than lemon juice. *People vs. Park*, 69 N. Y. S. 1120; 60 App. Div. 255.

CANNED PEAS. Under an indictment for selling canned peas containing copper it is necessary in order to sustain a conviction to show that the peas sold contained poison, and that the copper contained in the peas was poison. *People vs. Bischoff*, 14 N. Y. State Rep. 581.

TEA. The possession of adulterated tea for the purpose of selling the same to the general public constitutes a nuisance. *Health Department vs. Purdon*, 99 N. Y. 237.

VINEGAR. The act forbidding the manufacture or sale of vinegar containing artificial matter is constitutional as a police regulation. *People vs. Girard*, 145 N. Y. 105.

VINEGAR. ANALYSIS. It is held that in an action under the laws of 1893 to recover a penalty for selling adulterated cider vinegar the evidence of a chemist to whom a sample has been submitted that the cider vinegar contained less than two per cent of cider vinegar solids is insufficient. In order to recover the mode of analysis must be shown. 51 N. Y. Supp. 824. *People vs. Braested.*

VINEGAR. INSTRUCTIONS. Laws of 1893, c. 338, par. 10, amended by laws of 1890, c. 308. A party guilty of an illegal sale of adulterated vinegar under the laws against the sale thereof, which provide among other things that on an action in the Supreme Court for the violation of any of the provisions of the said laws an application may be made to the "court or any justice thereof that an injunction issue to restrain the defendant from further violating said act"; could not be enjoined by the county court by an injunction, in such an action in the Supreme Court. *People vs. Hintholz*, 74 N. Y. St. 241.

If the affidavit for an injunction against the sale of adulterated vinegar do not show the statutory elements of the offense the injunction should be vacated. *Id.*

MILK. BOARD OF HEALTH. Under the law which authorizes local boards of health to make such regulations for the general health as they may deem necessary a requirement that vendors of milk in a city shall register each year before receiving a license to sell milk is held to be valid. *City of Gloversville vs. Enos*, 72 N. Y. St. 398.

An honorably discharged soldier, although authorized to sell goods and procure a license without cost, must register before receiving a license to vend milk. *Id.*

MILK. Under an indictment for selling adulterated milk it is not necessary to show criminal intent. Guilty knowledge is not an essential element of the offense. *People vs. Schaeffer*, 41 Hun. (N. Y.) 23; *People vs. Cipperly*, 101 N. Y. 634; *People vs. Kibler*, 106 N. Y. 321; *People vs. Eddy*, 12 N. Y. Supp. 628.

ADULTERATED MILK. INDICTMENT. It is not necessary to allege in an indictment for selling adulterated milk to a cheese factory that the factory was a "full cream" factory, under a statute that provides that no person shall supply to "any cheese factory, any impure or adulterated milk, or milk from which any of the cream has been taken, except pure milk to skim cheese factories." *People vs. Spees*, 46 N. Y. Supp. 995.

MILK. To sustain a conviction under the laws of 1862 it is not sufficient to charge that the defendant had adulterated milk, but it must be proved that the milk was adulterated for the

purpose of selling or exchanging it. *People vs. Faurback*, 5 Park Cr. Rep. (N. Y.) 311.

MILK. The keeping and offering for sale of adulterated milk is a violation of the sanitary code. *People vs. Justices*, 7 Hun. (N. Y.) 214.

To bring into the city impure and adulterated milk for sale is an offense. *Polinsky vs. People*, 73 N. Y. 65.

SAMPLES. Under an indictment for selling adulterated milk to a cheese factory evidence is admissible to show that the milk has not been watered or skimmed, and that a sample drawn from the lower part of the can is not a fair test of the quality of the milk. *People vs. Hodnett*, 22 N. Y. Supp. 809.

ANALYSIS. Evidence of a test of milk which is charged to have been adulterated, even though made nearly a year after the sale of the milk, is admissible against the person charged with the adulteration. *Stearns vs. Ingraham*, 1 Thomp. & C. (N. Y.) 218.

MILK. EVIDENCE. Evidence is admissible, upon a trial for selling adulterated milk, which tends to show that there was no physical interference with the milk after it was drawn from the animal. *People vs. Salsbury*, 37 N. Y. Supp. 420.

MILK. In a case where it is shown that the milk had stood in a can over night and tasted bad when sample was taken, and that a sample was taken from it and put into two bottles after it had been stirred up, one taken by the state and the other bottle by the defendant, the state sample showing a percentage of 2.61 butter fats by a chemical test, and the defendant's sample showing a percentage of 3.22 butter fats by the Babcock test, it is held that such facts will support a verdict for the defendant where the instruction was that if the milk tested by the state was a fair sample of all the milk in the can then defendant had sold adulterated milk and must be fined. *People vs. Rickard*, 63 N. Y. S. 165.

IMPURE MILK. Mere possession of impure milk in a milk wagon while milk is not being delivered or sold to customers is not a violation of the laws of 1893. *People vs. Kelline*, 50 N. Y. Supp. 653.

SKIMMED MILK. Where evidence does not show whether the milk taken for analysis was taken from a vessel containing skim milk or from one containing pure milk a conviction cannot be sustained. *People vs. Thompson*, 14 N. Y. Supp. 819.

A law which provides that no person or persons shall sell, buy, or bring to be manufactured to any butter or cheese factory, any milk diluted with water, or any unclean, impure, unhealthy, adulterated, or unwholesome milk, does not make it criminal for the owner of a cheese fac-

tory supplied with milk exclusively by himself to furnish milk diluted with water. *People vs. West*, 106 N. Y. 293.

NAME ON MILK CANS. It is unlawful for any person without the consent of the owner to use or to sell any milk cans bearing the name or initials of the owner. *Bell vs. Gaynor*, 36 N. Y. Supp. 122.

CREAM. Where the defendant was a dealer in milk and cream and samples were taken from a man in his employ at an early hour in the morning while said employe was driving a wagon through the street, a number of which corresponded with defendant's license to sell milk, it was held that the defendant was offering the cream for sale under the evidence submitted. *People vs. Hills*, 72 N. Y. St. 340 64 App. Div. 584.

COWS. RUNNING SORES. It is a matter of common knowledge that a cow that has a running sore is unfit for food. *Goodrich vs. People*, 19 N. Y. 594.

OLEOMARGARINE. Under the laws of 1893, c. 338, par. 36, amended by the laws of 1897, c. 768, prohibiting the sale of oleomargarine as butter, the inspector testified that he examined defendant's stock and that the defendant said he had been selling a substance which had been found on analysis to be oleomargarine for butter, and that it was sold as butter. Held, that the jury should be instructed that if they did not believe the defendant made the said admission they should not find him guilty on that evidence alone. *People vs. Bremer*, 74 N. Y. St. 570.

It is not material who should determine the amount of the forfeiture, but the minimum fine can be at least recovered. *Id.*

OLEOMARGARINE LAWS. The state has power to regulate the sale. *People vs. Arensberg*, 103 N. Y., 388.

OLEOMARGARINE. The intention to sell as butter articles manufactured by mixing animal or vegetable oils with natural milk or cream must be shown in order to convict one of a violation of the statute prohibiting such sale. *People vs. Dold*, 63 Hun (N. Y.) 583.

OLEAGINOUS SUBSTANCES. It is unlawful to manufacture or sell products made from vegetable oils or animal fats or oils, which are designed to take the place of butter or cheese. It is not necessary to prove the act charged beyond a reasonable doubt; preponderance of evidence is sufficient. *People vs. Briggs*, 114 N. Y. 56.

BUTTER. INTENT AND COLOR. In a prosecution under a law preventing the imitation of the color of natural butter, the intent need not be shown, because it is immaterial. *People vs. Hellman*, 68 N. Y. S. 66; 15 N. Y. Cr. R. 394.

IMITATION BUTTER. Restaurant keepers may be prosecuted under an act which provides that substances in imitation of natural butter shall not be served to customers, if they use for cooking purposes imitations of natural butter manufactured outside of the state. 38 N. Y. Supp. 635.

OLEOMARGARINE. JUDICIAL NOTICE. Courts will not take judicial notice of the natural appearance of oleomargarine. *People vs. Meyer*, 60 N. Y. St. 415.

PRESERVATIVES. It is held that a law prohibiting the sale of butter containing any preservatives except salt, or of cheese containing any preservatives except spiritous liquors, or of condensed milk containing any preservatives except sugar; and prohibiting the sale of preservatives to be so used, is void as being in restraint of a person's liberty to sell articles of commerce. *People vs. Biesecker*, 68 N. Y. S. 1067, 58 App. Div. 391.

The law prohibiting the sale of butter or dairy products containing preservatives, except in certain cases, is not a mere health regulation. *Id.*

RECOVERY OF PENALTY. ACTION. Under par. 37 of the Agriculture law the penalty should be recovered by a civil and not by a criminal suit. *People vs. Bremer*, 74 N. Y. St. 570, 69 App. Div. 14.

SLAUGHTER HOUSES. A statute providing that a repeal of a statute shall not effect a penalty arising before the repeal takes effect is applicable to future legislation, and a defendant liable to a penalty under the laws of 1898 regarding the slaughter of calves not in a condition for food is held liable for the penalty, even though the statute under which he is prosecuted was repealed in 1901, before the prosecution was commenced. *People vs. Jackson*, 73 N. Y. St. 461.

STATUTORY AND MUNICIPAL REGULATIONS. Laws 1893, s. 338, as amended by Laws 1900, c. 101, provides that no person shall sell or exchange, or offer or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk, and declares that if the milk is delivered by the "producer" for manufacture, sale or shipment, or from a milk vendor who "produces" the milk which he sells, and it is designed to prosecute such producer, a sample shall be taken from the "milk of the herd of cows" from which the milk claimed to be adulterated was drawn. Held, That the statute was not unconstitutional in that it required a test of the milk of the herd to be made when it was sought to prosecute the producer, while it authorized a conviction of the milk vendor on samples taken from the milk sold by him. *People vs. Laesser*, 79 N. Y. S. 470.

VIOLATION OF REGULATIONS. New York City Sanitary Code, §63, providing that no adulterated milk "shall" be brought into, held, kept, or offered for sale at any place in the city, does not prohibit the mere possession thereof. *People vs. Timmerman*, 80 N. Y. S. 285.

PENALTIES AND ACTION THEREFOR. A complaint to recover penalties for violation of the agricultural law, alleging that plaintiff does not know, and for that reason cannot state, the precise number of barrels contained in each sale and purchase, of vinegar, but that plaintiff is entitled to recover a penalty of \$100 for each separate purchase of vinegar which was sold as cider vinegar, but was not such, is objectionable, as, by implication, alleging in a single count an infinite number of sales, for any one of which plaintiff has a cause of action. *People vs. Sheriff*, 79 N. Y. S. 783.

In an action to recover a penalty prescribed by Laws 1893, c. 338, §37, for selling adulterated milk, which defendant had purchased from the producer, evidence of the defendant and his wife that they had not tampered with the milk was incompetent, where the fairness of the samples shown to be adulterated or the analysis was not impugned. *People vs. Laesser*, 79 N. Y. S. 470.

Laws 1893, c. 338, as amended by Laws 1900, c. 101, prohibits the sale of adulterated or unwholesome milk, and provides for the taking of samples by state inspectors for analysis. The statute also requires that when the milk is delivered by the producer for manufacture, sale or shipment, or from a milk vendor who produces the milk which he sells, and it is designed to prosecute such producer, a sample shall be taken from the mixed milk of the herd of cows from which the milk claimed to have been adulterated was drawn. Held, That since, in the prosecution of a milk vendor not a producer of the milk sold, no herd sample was required to be taken, evidence that no herd sample was taken from the producer of the milk sold by the vendor was incompetent. *People vs. Laesser*, 79 N. Y. S. 470.

In an action to recover the penalty prescribed by Laws 1893, c. 338, §37, for the sale of adulterated milk, the question of the vendor's intent is immaterial. *People vs. Laesser*, 79 N. Y. S. 470.

A milk vendor in a city had in his wagon two cans of milk, one a 32-gallon can and the other a 10-quart can, which contained about six quarts of milk, from which he was delivering milk to customers at the time he was approached by state milk inspectors, who thoroughly stirred the milk in the small can, and took therefrom two samples, one of which was delivered to the vendor and the other sent to the state chemist

for analysis. Held, That evidence of samples as so taken were adulterated authorized a recovery of the penalty prescribed by Laws 1893, c. 338, as amended by Laws 1900, c. 101, providing that no person shall sell or expose for sale or exchange any adulterated milk, etc. *People vs. Laesser*, 79 N. Y. S. 470.

In an action to recover a penalty provided by laws 1893, c. 338, §§ 22, 37, as amended by Laws 1900, c. 101, for the sale of adulterated milk, where the evidence of the state inspectors that the milk from which the samples were taken was thoroughly stirred, was not contradicted, and there was no other proof tending to impeach the fairness of the samples or the correctness of the analysis, the evidence did not authorize a submission of the fairness of the samples to the jury. *People vs. Laesser*, 79 N. Y. S. 470.

Defendants manufactured and sold as cider vinegar a product extracted from cores, skins and small pieces of apples, all of which had been evaporated and soaked in river water; coloring matter being added to give it the appearance of cider vinegar. Laws 1893, c. 338, §50, as amended by Laws 1901, c. 308, provides that vinegar which contains any artificial coloring matter shall be deemed adulterated. §51 provides that no person shall manufacture, keep for sale, or offer for sale any adulterated vinegar, or any vinegar or product in imitation of cider vinegar which is not cider vinegar. §52 prohibits the marking of any package as cider vinegar which is not cider vinegar. §53 prescribes a penalty for each violation of such provisions. Held, That such product was not vinegar, but a simulated and adulterated product, manufactured, marked and sold as cider vinegar. *People vs. N. Fruit Co.*, 66 N. E. 1114.

Agricultural Laws, §§22, 23 (Laws 1893, p. 661, c. 338), prohibit the sale of impure and adulterated milk. §37, p. 666, provides penalties for each violation, and declares the sale of each one of several packages to constitute a separate offense. Held, That a sale of several cans of impure and adulterated milk at one time and place, and to one person, as a single transaction, should be alleged as merely one cause of action. *People vs. Buell*, 83 N. Y. S. 143.

The complaint in an action for a violation of the agricultural law alleged that the defendant, "on or about the 15th day of October, 1901, at Miller's Station, in the County of Delaware, N. Y., did expose for sale, offer for sale, and sell, a quantity of impure and adulterated milk, to wit, five cans of milk." Held, That it alleged but one sale of one quantity of milk, consisting of five packages. *People vs. Buell*, 83 N. Y. S. 143.

PURE FOOD LAWS OF NORTH CAROLINA.

In the state of North Carolina the Board of Agriculture is charged with the enforcement of pure and unadulterated food. The Board of Agriculture consists of the following members:

S. L. Patterson, commissioner, ex-officio, chairman.

First District—J. B. Coffield.

Second District—E. L. Daughtridge. Resigned.

Third District—Wm. Dunn.

Fourth District—C. N. Allen.

Fifth District—J. S. Cunningham.

Sixth District—A. T. McCallum.

Seventh District—J. P. McRae.

Eighth District—P. B. Kennedy.

Ninth District—W. A. Graham.

Tenth District—A. Cannon, Howard Browning, J. R. Joyee, G. E. Flow, J. C. Ray.

Finance Committee—S. L. Patterson, chairman; J. B. Coffield, A. T. McCallum, J. P. McRae, Wm. Dunn.

Executive Committee—S. L. Patterson, chairman; J. S. Cunningham, W. A. Graham, E. L. Daughtridge, L. G. Waugh.

OFFICERS.

S. L. Patterson, commissioner; T. K. Bruner, secretary; B. W. Kilgore, state chemist; Dr. Tait Butler, veterinarian; Franklin Sherman, Jr., entomologist; Gerald McCarthy, botanist and biologist; H. H. Brimley, naturalist and curator.

THE PURE FOOD LAWS ARE IN SUBSTANCE AS FOLLOWS:

An act to prevent the sale of adulterated and unbranded food and to amend and make more effective the provisions of Chapter 122, Laws of 1895.

Section 1. For the purpose of protecting the people of the state from imposition by the adulteration or misbranding of articles of food the Board of Agriculture shall cause to be procured from time to time under rules and regulations to be prescribed by them in accordance with section 9 of this act, samples of food, beverages, and condiments offered for sale in this state, and shall cause same to be analyzed and examined microscopically or otherwise by the chemist or other experts of the Department of Agriculture. The Board of Agriculture is authorized to make such publications of the results of analyses, examinations, etc., as they may deem proper.

Sec. 2. Prohibits the sale of any article of food which is adulterated or misbranded within the meaning of this act. It is a misdemeanor

to violate this act, punishable by a fine not to exceed \$200 for the first offense, and for each subsequent offense not to exceed \$300, or by imprisonment not to exceed one year, or both; fines to be paid into the treasury of the state for the benefit of the Department of Agriculture, to be used in executing the provisions of this act.

Sec. 3. The chemists and other experts of the Department of Agriculture shall make under rules and regulations prescribed by the Board of Agriculture, examinations of specimens of food, beverages, and condiments offered for sale in North Carolina, collected from time to time in various parts of the state. If this act has been violated the Commissioner of Agriculture shall certify the facts to the proper solicitor and furnish him with a result of the analysis duly authenticated by the analyst under oath.

Sec. 4. It is the duty of every solicitor to whom the Commissioner of Agriculture shall report any violation hereof to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided.

Sec. 5. The term "food" as used herein shall include article of food, candy, condiment, or drink, used by man and domestic animals, whether simple, mixed, or compound. The term "misbranded" as used herein shall include articles of food or those which enter into the composition thereof, the packages or labels of which shall bear any stamp purporting to name any ingredient or substance as being contained or not being contained in such article, which statement shall be false in any particular.

Sec. 6. That for the purpose of this act an article of food shall be deemed adulterated:

First—If any substance has been mixed or packed with it so as to reduce or injuriously affect its quality or strength, so that such article when offered for sale shall deceive or tend to deceive the purchaser.

Second—If any inferior substance has been substituted wholly or in part for the article so as to deceive the purchaser.

Third—If any valuable constituent of an article has been wholly or in part abstracted so that the product when sold shall deceive the purchaser.

Fourth—If it be an imitation of and sold under the specific name of another article.

Fifth—If it be mixed, colored, powdered, coated, polished, or stamped in a manner where-



S. L. PATTERSON,
North Carolina Commissioner of
Agriculture.



T. K. BRUNER,
Secretary North Carolina Board of
Agriculture.



B. W. KILGORE,
North Carolina State Chemist.

NORTH CAROLINA PURE FOOD COMMISSION.

by damage or inferiority is concealed so as to deceive the purchaser.

Sixth—If it contain any added poisonous ingredient or any ingredient which may render it injurious to the health of the person consuming it.

Seventh—If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or is an imitation either in package or label of an established proprietary product which has been trade marked or stamped.

Eighth—If it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not; or if it is the product of a diseased animal or any animal that has died otherwise than by slaughter.

Ninth—That candies and chocolates may be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors or other ingredients deleterious to health; Provided, That an article of food, beverage, or condiment which does not contain any added or poisonous ingredient shall not be deemed to be adulterated in the following cases:

First—In the case of articles, mixtures, or compounds which may be now or from time to time hereafter known as articles of food, beverages, or condiments under their own distinctive names and not included in definition fourth of this section.

Second—In the case of articles branded, labeled, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends.

Third—When any matter or ingredient has been added to the food, beverage or condiment because the same is required for the production or preparation thereof as an article of commerce in a state fit for consumption or carriage, and not fraudulently to increase the bulk, weight or measure of the food, beverage, or condiment, or conceal the inferior quality the pure food laws. The board consists of fifteen members, together with the officers elected for the purpose of administering the laws of the state pertaining to the subject of thereof: Provided, That the same shall be labeled, branded, or tagged as prescribed by the Board of Agriculture, so as to show them to be compounds and the exact nature thereof: And provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas except insofar as the provisions of this act may require to secure freedom from adulterations or

imitations: Provided further, That nothing in this act shall be construed to apply to proprietary or patent medicines.

Fourth—Where the food, beverage, or condiment is unavoidably mixed with some harmless extraneous matter, in the process of collection or preparation: Provided further, That no person shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity in a form provided by the Board of Agriculture as published in their rules and regulations, signed by the wholesale jobber, manufacturer, or other party from whom he purchased such article.

Sec. 7. That the Board of Agriculture is hereby authorized to cause all compounds, mixed or blended products to be properly branded and prescribe how this shall be done.

Sec. 8. That it shall be the duty of the Board of Agriculture to prepare and publish from time to time lists of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with section 6. The Board of Agriculture shall also from time to time fix and publish the lists variability permissible in any article of food, beverage, or condiment, and these standards when so published shall remain the standards before all courts: Provided, That when standards have been or may be fixed by the Board of Agriculture of the United States they shall be accepted by the Board of Agriculture and published as the standards of North Carolina.

Sec. 9. That every person who exposes for sale or delivers to a purchaser any condiment, beverage, or articles of food shall furnish within business hours and upon tender and full payment of the selling price a sample of such condiments, beverages, or articles of food to any person duly authorized by the Board of Agriculture to secure the same and who shall apply to such manufacturer or vendor or person delivering to a purchaser such beverage or article of food, for such sample for such use, in sufficient quantity for the analysis of such article or articles in his possession.

Sec. 10. That any manufacturer or dealer who refuses to comply upon demand with the requirements of section 9 of this act, or any manufacturer, dealer, or person who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent any chemist, inspector, or other person in the performance of his duty in connection with this act shall be guilty of a misdemeanor and shall upon conviction be fined not less than \$10 nor more than \$100, or be imprisoned not more than 100 days, or both, in the discretion of the court, and said fines, less the legal costs, shall be paid into the treasury of the state for the benefit of the Depart-

ment of Agriculture, to be used exclusively in executing the provisions of this act.

Sec. 11. That this act shall not be construed to interfere with commerce or any interstate commerce laws of the United States.

Sec. 12. That Chapter 122, Public Laws of 1895, be and the same is hereby repealed.

AN ACT DEFINING BUTTER AND TO REGULATE THE SALE THEREOF.

Section 1. The word "butter" is understood to mean the product manufactured or compounded from fresh and pure milk and cream.

Sec. 2. Any article manufactured or compounded in imitation or semblance of butter, composed of any ingredient in combination with butter, shall be known as "oleomargarine" and "butterine"; and it is unlawful to sell, export, or import the same except in accordance with the provisions hereof.

Sec. 3. Every manufacturer of "oleomargarine" or "butterine" shall secure affix by pasting on each package, tub, or firkin thereof so manufactured by him, a label on which shall be printed in large Roman type the chemicals, ingredients, and the proportions thereof. Every manufacturer who neglects to affix such label as herein required, or any person who removes same from any such package, tub or firkin, is guilty of a misdemeanor, punishable as herein-after provided.

Sec. 4. This act shall not prohibit the manufacture or sale if said compound nor violate in any degree the provisions of the interstate commerce law relative to this subject. The said compound, however, shall not be manufactured or sold except in accordance with the provisions herein.

Sec. 5. It is the duty of the district, county, or city attorney upon proper information that this act has been violated to prosecute the offenders, and upon conviction he shall be punished by a fine of not less than \$50, or imprisoned in the county jail not exceeding thirty days for the first offense, and for each subsequent offense a fine not less than \$200 or by imprisonment not less than six months, or both, at the discretion of the court.

STANDARDS AND RULINGS OF THE BOARD OF AGRICULTURE UNDER THE PURE FOOD LAW.

Vinegar.—To be standard, vinegar shall contain not less than 4 per cent of acetic acid. When of less strength the percentage of acetic acid must be branded in every package in which it is sold, exposed, or offered for sale. Vinegar must not contain any preparation of lead, copper, sulphuric acid, or other ingredients injurious to health, and when artificially colored the fact shall be known by a proper label (as

designated under paragraph on "Labeling") attached to every package in which it is sold, exposed, or offered for sale.

Apple cider or orchard vinegar must be made from the pure juice of apples, free from foreign substances, and must contain not less than $1\frac{1}{4}$ per cent of apple cider solids.

Other vinegars must be sold under names which represent truly the material or materials from which they are severally made, as "Malt vinegar," "Grape vinegar."

All fermented and not distilled vinegars must contain not less than $1\frac{1}{2}$ per cent of the solids of the grains or fruits from which they are made.

Distilled vinegar must be labeled and sold as such.

Milk.—Milk must be from healthy cows and must contain at least 12 per cent of total solids and 3 per cent of butter fat, unless labeled or sold as "skimmed milk" or milk below standard. Coloring matter or preservatives must not be added unless the cans from which the milk is sold are conspicuously labeled to show such addition, and written notice is served on each customer stating the kind and amount of coloring matter or preservative or both used to the gallon.

Butter.—Butter must contain not less than 80 per cent of milk fat, without admixture of any other animal or vegetable fats.

Process Butter.—Deteriorated or unmarketable butter, which, by any process or remelting, or working over, has been made marketable, must be branded and sold as "Process butter," and each package so sold, offered, or exposed must be so labeled as to fairly and clearly furnish this information.

Oleomargarine.—Oleomargarine, butterine, and kindred mixtures of animal and vegetable fats, or mixtures of these with butter, must be sold under their own distinctive names as oleomargarine or butterine, and each package so sold, offered, or exposed for sale must be so labeled (as prescribed under paragraph headed "Labeling") as to furnish clearly and fairly this information.

Cheese.—Cheese not made wholly from pure, unskimmed milk or cream must be sold as "Skim milk cheese," and where other fats have to be added it must be sold as "Filled cheese," and each cheese must be so labeled as to furnish this information, as directed under the labeling paragraph.

Lard.—Lard is the rendered fat of swine and should contain not less than 99 per cent of this fat. Other fats and oils, and mixtures of them, must be sold under their true name or coin names, or as "Lard substitutes." An admixture of other fat or fats, with a considerable per-

centage of lard, may be sold as "Lard compound"; otherwise it must be sold as adulterated lard.

Oils.—Oils, as olive and cotton seed, must be sold under their true names or under names that will not mislead as to their true character; and when mixed or blended the fact shall be made known by proper and conspicuous labeling on the containing vessels; otherwise they must be branded and sold as "adulterated."

Spices and Peppers.—Spices and peppers must be pure and true to name, and must not be mixed with other substances or with exhausted or impure articles of their own kind, unless labeled and sold as adulterated.

Mustard.—Dry mustard must be pure. Mixtures of mustard, vinegar, and spices may be sold as "Prepared mustard," but must not be diluted with starch or other materials unless the fact is made known on the label.

Ciders and Fruit Juices.—These must be made of unadulterated fruit juices, and be sold under the name of the fruit from which made. No preservative, color, or flavor shall be added, unless the fact is made known by proper label attached to each package. When artificially colored or flavored, or both, they must be sold as "adulterated" or "imitation" products, in which case any added preservative must be made known by proper label.

Beers and wines and other alcoholic and non-alcoholic drinks and products used in making such must not contain added preservatives, coloring, or flavor, unless the fact is made known by proper label on each package. When made partly or entirely from artificial products, they must be sold as "adulterated" or "imitation" products, any added preservative being made known on proper label.

Cereal and Farinaceous Products.—Flour, cracked and rolled wheat, oats, buckwheat, barley, and corn, and their products, rice, etc., must be true to name, and when mixed with each other or with other vegetable or mineral products the mixtures must be sold under coin names or as mixtures or compounds.

Canned Goods.—Canned goods must be true to name and be free from added coloring, flavor, or preservatives, unless such addition or additions is made known by conspicuous labeling.

Candy.—Candy must not contain terra alba, kaolin, or other mineral substances, or harmful coloring or other matter.

Fruits, Jellies, Butter, Jams, Preserves, Conserve, Confections and like articles must be made entirely of the fruit specified on the label and preserved only with cane sugar, and must not contain any artificial coloring, preservatives, or flavor, except spices or other whole-

some natural flavoring materials, unless such added flavors, coloring, and (or) preservatives are made known on the labels. When made partly or wholly of artificial materials, or when any material to make up bulk or weight, to add flavor or color, except as indicated above, have been used, the products must be sold as "adulterated" or "imitation" products, in which case any added preservatives must be made known on the label.

Honey must not have added to it directly by man, or indirectly by feeding to the bees, glucose, cane sugar, invert sugar, or other matter not naturally occurring in pure honey, unless sold as adulterated honey, or a statement regarding the adulteration is made a part of the label attached to each package sold.

Coffee.—Coffee must be true to name and of full strength. It must not be mixed with exhausted or partially exhausted coffee or any other substance or substances, except as indicated below. If mixed with chicory or other harmless substitute allied to coffee in either flavor or strength, and not used simply as an adulterant, the mixture may be sold as "coffee compound."

Imitations or substitutes containing no coffee must not be sold as coffee compounds, but may be sold under coin names.

Tea.—Tea, when sold, exposed, or offered for sale as such, must consist wholly of the dried leaves of the true tea plant, without artificial color, filler, or extraction of essential properties, unless conspicuously labeled as "adulterated."

Baking Powders.—Baking powders must not contain substances not necessary to their manufacture, and they must be labeled in a conspicuous way and place, either in the name of the powder itself, or elsewhere, so as to show the acid salt of which the powder is made, as "Alum baking powder," "Alum-phosphate baking powder," "Phosphate baking powder," or "Cream of tartar baking powder," and when so labeled they must be true to label.

Preservatives.—The term preservative is considered synonymous with antiseptic. Food containing any added antiseptic or preservative substance or substances, except common table salt, saltpeter, cane sugar, alcohol, vinegar, spices, or the natural products of the smoking process, shall have the presence of such preservative or preservatives made clearly known by conspicuous labeling or made known to purchasers when the article is not capable of being labeled.

Labeling.—A label must be, as far as possible, attached to each package and contain, in addition to other information, the name and address of the manufacturer or jobber. When

the words "artificial," "imitation," "compound," "adulterated," or words of similar import are required, they must immediately precede or follow the word or words they modify, and be in the same size and style of type and on same kind of background as the word or words with which they are closely associated.

Where the presence of preservatives, coloring matter, or other substance or substances is required to be printed on the label, as indicated in the several paragraphs relating to different food products, the printing must be done clearly and conspicuously on the label in type not smaller than brevier heavy Gothic caps, and on the same kind of background as the rest of the label.

Form of guaranty of purity approved by the board of agriculture as provided for in section six of the pure food law.

I (or we), the undersigned wholesaler, jobber, or manufacturer, in consideration of — (name and address), retail merchant, purchasing food from us, hereby guarantee that all food sold to — shall be pure within the meaning of what is known as the pure food law (an act to prevent the sale of adulterated and misbranded food: Ratified the 13th day of February, 1899), and shall conform with the requirements of said law and the standards and rulings of the Board of Agriculture as regards standards of quality, branding, and otherwise. This guaranty to remain in force till revoked in writing.

The article referred to in this guaranty is (or are) —.

Signed —,
 Address —,
 —.

Date —.

GENERAL STATEMENT.

The Department of Agriculture desires the cooperation and support of manufacturers, jobbers, wholesalers, retailers, and individuals in carrying out the provisions of the pure-food law. To this end the Department—

(1) Invites suggestions, and will give hearings to interested parties regarding the present standards and rulings, others that may seem desirable, or that may be made in the future.

(2) Analyses will be made for parties within the State when samples are taken in accordance with instructions furnished by the State chemist and the required data concerning the samples are given.

(3) Analyses will be sent to parties sending samples and to parties from whom samples are taken by the Department. It is the desire of the Department to put information into the hands of manufacturers, dealers, and users of food, and to assist them in every way it can to know and to manufacture, handle, and use the best, most desirable, and most wholesome food products. The pure-food law is in the interest of the honest manufacturer, the honest dealer, and for the protection of the consumer. It should operate in this way.

DECISIONS OF THE SUPREME COURT OF NORTH CAROLINA ON FOOD LAWS.

UNWHOLESOME FOOD. In this state it is held to be a misdemeanor for a person knowingly to sell unwholesome food. *State vs. Nor-*

ton, 2 Ired. (N. Car.) 40; State vs. Smith, 3 Hawks (N. Car.) 378.

PURE FOOD LAWS OF NORTH DAKOTA.

The Dairy Laws of this State are enforced by an Assistant Dairy Commissioner, who receives his appointment from the Commissioner of Agriculture, with the consent of the Governor. His duties are to enforce the dairy laws of the state.

The State Food Laws of North Dakota are enforced by a State Food Commissioner, who is appointed for that purpose by the Experiment Station under the authority given said station to take the necessary steps to carry into effect the provisions of the Food Laws.

FOOD DEPARTMENT.

E. F. Ladd.....Food Commissioner

The Department of Agriculture and Labor consists of the following members:

R. J. Turner, Commissioner.

E. E. Kaufman, Assistant Dairy Commissioner.

ADULTERATION OF FOOD.

Chap. 4 (S. B. 26), Laws of 1903.

Sec. 1. Adulterating and Misbranding Foods and Beverages. It shall be unlawful for any person, his servant or agent, or while acting as the servant or agent of any other person or corporation, to manufacture for sale or offer for sale any article of food or beverage which is unwholesome or adulterated within the meaning of this act.

Sec. 2. What Constitutes Adulteration. Any article of food or any beverage shall be considered as unwholesome or adulterated within the meaning of this act:

1. If it contains any form of aniline dye or other coal tar dye.

2. If it contains formaldehyde, benzoic acid, sulphite or sulphurous acid, or salicylic acid.

3. If any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength so that such article of food or beverage when offered for sale shall deceive or tend to deceive the purchaser.

4. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

5. If any necessary or valuable constituent part of the article has been in whole or in part extracted.

6. If it be in imitation of or offered for sale under the specific name of another article.

7. If it be labeled or branded so as to deceive or mislead the purchaser.

8. If it consist wholly or in part of a diseased, decomposed, filthy or putrid animal or vegetable substances.

Provided, that an article or beverage shall not be deemed adulterated in the following cases:

1. If it be a compound or mixture of a recognized food product and not included in definition six of this section.

2. In the case of candies and chocolates, if they contain no terra-alba, Chrome yellow or other mineral substances or aniline dyes or other poisonous colors or flavors detrimental to health.

3. If in the case of baking powders in any mixture or compound intended for use as a baking powder they have affixed to each and every box, can or package, containing such powder a light colored label upon the outside and face of which there is distinctly printed, in black ink, and in clear, legible type, the name and address of the manufacturer, the true and correct analysis of each and all the constituents or ingredients contained in or contributing a part of such baking powder or mixtures or compound intended for use as a baking powder.

Sec. 3. *Penalty.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall for each offense be punished by a fine of not less than twenty-five nor more than one hundred dollars and all necessary costs, including the expense of analyzing such adulterated article when such person shall be found guilty under this act.

Sec. 4. *Duty of State's Attorney.* It shall be the duty of the State's Attorney to prosecute all persons violating any of the provisions of this act, when the evidence thereof has been presented by the North Dakota Government

Agricultural Experiment Station as provided for in sections 7 and 8 of this act.

Sec. 5. *The North Dakota Experiment Station to Inspect and Analyze Foods and Beverages.* The North Dakota Government Agricultural Experiment Station shall make analysis of food products and beverages on sale in North Dakota suspected of being adulterated, at such times and places and to such extent as it may determine, and may appoint such agent or agents as it may deem necessary and the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this act, and such agent or agents and sheriffs shall have free access, at all reasonable hours, for the purpose of examining into any place wherein it is suspected any article of food or beverage adulterated with any deleterious or foreign ingredient or ingredients exists, and such agent, agents or sheriffs upon tendering the market price of said article may take from any person, firm or corporation samples of any articles suspected of being adulterated as aforesaid, and the said station may adopt or fix standards of purity, quality or strength when such standards are not specified or fixed by statute.

Sec. 6. *Citizen May Send Sample of Food or Beverage for Analysis.* Any citizen of the state may, by pre-paying the transportation charges, send any article of manufactured food or food product, or beverage, in the original package, to said station to be analyzed. And such article if not before analyzed shall be analyzed and included in the next report of the station as provided for in section nine of this act.

Sec. 7. *Facts, How Transmitted.* Whenever said station shall find by its analysis that adulterated food products have been on sale in this state, it shall forthwith transmit the facts so found to the state's attorney of the county in which said adulterated food product was found.

Sec. 8. *Certificates as Evidence.* Every certificate duly signed and acknowledged by the chemist of the North Dakota Government Agricultural Experiment Station at Fargo relating to the analysis of any food, food products or beverage shall be presumptive evidence of the facts therein stated.

Sec. 9. *Station to Make Annual Report.* The said station shall make an annual report to the governor upon adulterated food products, and said report may be included in the report which the said station is already authorized by law to make to the governor, and in June and December of each year the said station shall furnish to the auditor of each county in the state a certified list of all adulterated foods, food products and beverages as found by such anal-



PROF. E. F. LADD,
Food Commissioner, North Dakota.



ROLLIN J. TURNER,
Commissioner of Agriculture and Labor,
Ex-Officio Dairy Commissioner,
North Dakota.



E. E. KAUFMAN,
Assistant Dairy Commissioner,
North Dakota.

NORTH DAKOTA FOOD AND DAIRY COMMISSION.

ysis, showing the name and brand of the article, the manufacturer and the name of the injurious adulterant. The county auditor of each county shall cause the said list to be published in the official paper of such county. Such publication shall be made in July and January of each year and shall continue for two successive issues to be paid for by such county at the rate allowed by law for publishing the proceedings of the Board of County Commissioners.

Sec. 10. Duty of Sheriff on Presentation of Complaint of Violation of this Act. Compensation. It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provision of this act, to at once proceed to obtain by purchase a sample of the adulterated food, food product or beverage complained of, and forward the same to the said station for analysis, marking the package or wrapper containing the same for identification with the name of the person from whom procured, the date on which the same was procured and the substance therein contained. For his services hereunder the said sheriff shall be allowed the same fees for travel as are now allowed by law to sheriffs on service of criminal process, together with such compensation as may be by the county commissioners of his county deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said commissioners and paid by his said county as other bills of said sheriff.

Sec. 11. Appropriation. To carry out the provisions of this act, out of any money in the state treasury, not otherwise appropriated, the sum of fifteen hundred dollars is hereby annually appropriated to the said North Dakota Government Agricultural Experiment Station, which sum shall be paid in equal quarterly installments to the treasurer of the board of trustees of said station, upon the order of the state auditor who is hereby directed to draw his order for the same.

Sec. 12. No Action in Court. No action shall be maintained in any court in this state on account of any sale or other contract made in violation of this act.

Sec. 13. Repeal. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

A DIGEST OF THE LAWS PROHIBITING THE ADULTERATION OF DAIRY PRODUCTS IS AS FOLLOWS:

Sec. 1. The Commissioner of Agriculture shall appoint one deputy, to be known as Assistant Dairy and Food Commissioner, who shall hold his office during the term of the

Commissioner of Agriculture. His salary shall be \$600 per annum and actual expenses in the discharge of his duties. The sum of \$1,000 is appropriated annually to enforce the provisions of this act.

Sec. 3. The Assistant Commissioner and persons lawfully authorized for the purpose shall have access, ingress and egress to all places of business, farms, carriages, cars, vessels and cans used in the manufacture or sale of any dairy product or imitation thereof. They shall also have the power and authority to open any package, can or vessel containing manufactured articles sold or exposed for sale in violation of this act, and may take samples for analysis. All clerks, bookkeepers, express agents and railroad officials are required to assist them in finding or discovering the presence of any prohibited article.

Sec. 4. For refusing so to do such person shall be guilty of a misdemeanor and fined not less than \$20 nor more than \$50 for each offense.

Sec. 5. The Assistant Commissioner shall furnish blanks to all proprietors and managers of creameries, cheese factories and vendors of milk licensed under the provisions of this act, for the purpose of making a report of the amount of dairy goods handled, and such persons shall on the first day of November of each year send to the Assistant Dairy and Food Commissioner a full and accurate report of the amount of business done during the year.

Sec. 6. Any neglect or failure or false statement in the report of any owner or manager of such creameries, cheese factories, or vendors of milk shall be held to be a misdemeanor punishable by a fine of not less than \$10 nor more than \$50.

Sec. 7. Every creamery, cheese factory, or combined creamery and cheese factory manufacturing butter or cheese shall procure a stencil or brand bearing a suitable device and words which shall clearly designate the quality of the product manufactured, and the number and location of the factory, and may contain a special or private brand with the name of said factory. Every brand shall be used upon the outside of the cheese, and also upon the package containing the same, but in the case of butter on the package only; and every such owner shall on the first day of each year report to the Assistant Dairy and Food Commissioner the name, location and number of any factory using said brand, and the name or names of the persons of each factory authorized to use the same, together with a copy of each stencil or brand, and the said Assistant Commissioner shall keep a book in which shall be registered the same. It is a misdemeanor to violate this

section, punishable by a fine of not less than \$10 nor more than \$50 for each offense.

Sec. 8. Every person who sells milk from a dairy of five cows or more and conveys the same in carriages, carts or other vehicles for the purpose of sale in any city or town of 1,000 inhabitants or more shall on the first day of June, or within 30 days thereafter, be licensed by the Assistant Dairy and Food Commissioner to sell milk within the limits of said city or town, and shall pay to said Assistant Commissioner the sum of \$1, and every person desiring to engage in such dairy business shall first procure a license which shall be valid until the first day of June next succeeding the issue. Licenses shall be used only by the owners of carriages, carts or other vehicles, and shall be conclusive evidence of ownership. No license shall be sold, assigned or transferred.

Each license shall record the name, place of business and number of carriages, carts or other vehicles used, the name and residence of every driver or other person engaged in selling said milk, and the number of the license. Each licensee shall before engaging in the sale of milk cause his name and the number of his license and place of business to be legibly placed on the outer side of all carriages, carts and other vehicles used by him in the conveyance and sale of milk, and he shall report to the assistant dairy commissioner any change of driver or person employed by him. Whoever sells milk as aforesaid without license or violates the provisions of this act shall be punished by a fine of not less than \$10 nor more than \$50 for each offense.

Sec. 9. Every person before selling milk shall procure a license from the Assistant Dairy and Food Commissioner and pay him therefor the sum of \$100. It is a misdemeanor to neglect to procure a license, punishable by a fine not exceeding \$20 for each and every offense.

Sec. 10. If any person shall sell or exchange to be converted into any product of human food any unclean, adulterated, impure or unwholesome milk, or milk from which has been withheld the strippings, or milk taken from an animal having a disease, or which has been taken from an animal within fifteen days before or five days after parturition; or if any person having cows shall stable them in any unhealthy, cramped, crowded manner, or knowingly feed them food which produces impure or unwholesome milk, or upon any substance in a state of putrefaction, or other unhealthy matter, or sell cream which has been taken from milk as herein prohibited, or shall sell cream which shall contain less than the amount of butter fat as prescribed in this act, or if any person shall sell any cheese from skimmed milk or from

milk partly skimmed without plainly branding on the top and sides of both cheese and package in the English language the words "Skimmed Milk Cheese," the letters of the words to be not less than one inch in height and one-half inch in width, he shall be fined not less than \$20 nor more than \$50; but the provisions of this section shall not apply to skimmed milk when sold as such and in the manner prescribed herein.

Sec. 11. The addition of water or other substances or things to whole milk or skimmed milk or partly skimmed milk is hereby declared an adulteration: and milk taken from cows fed upon any substance of an unhealthy nature is declared to be impure and unwholesome; and milk which has been proved by any reliable method of analysis to contain less than 12 per cent of milk solids to the 100 pounds of milk or three pounds of butter fat to the 100 pounds of milk, shall be regarded as skimmed or partially skimmed milk: and every article not containing 15 per cent or more of butter fat shall not be regarded as cream. The Assistant Food and Dairy Commissioner shall enforce the provisions hereof.

OLEOMARGARINE.

Sec. 12. Prohibits the manufacture or sale or delivery or possession or distribution of any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof not produced from unadulterated milk, or cream from the same, which shall be an imitation of yellow butter produced from unadulterated milk or cream. Provided, this act shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and so as to advise the consumer of its real character and free from colorations or ingredients that cause it to look like butter. For a violation of this section any person shall be fined \$25 nor more than \$100 for each offense.

Sec. 13. Whoever exposes for sale oleomargarine, butterine or imitation of pure butter, in tubs, firkins or original packages not printed, branded, stamped or marked in a conspicuous place with the words "Oleomargarine" or "Butterine" or "Imitation Butter," in letters not less than one inch in length and one-half inch wide, or in retail packages not conspicuously labeled, as the case may be, as aforesaid, shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$100 for each offense.

RENOVATED BUTTER.

Sec. 14. Whoever shall manufacture butter that is produced by taking original packing, packed, or other butter, or both, and melting the same so that the butter fat can be drawn

off, then mixing the said butter fat with skimmed milk, or milk and cream, or other milk product and reburning the said mixture; or that is produced by any melting process and is commonly known as boiled or process butter; unless the tub or firkin or package in which the same is put up be legibly and distinctly stamped or marked with the words "Renovated Butter" in letters not less than one inch in length and one-half inch in width on prints, boxes or rolls, or not conspicuously labeled on the wrapper thereof with the words "Renovated Butter" in printed letters not less than one-half inch in width, shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$100 for each offense.

Sec. 15. Whoever furnishes or causes to be furnished in any hotel, restaurant, boarding house, or any lunch counter, oleomargarine or butterine to any guest or patron of such place instead of butter, shall notify said guest that the substance furnished is not butter. For a neglect to so notify said person in the case aforesaid it is a misdemeanor punishable by a fine of not less than \$5 nor more than \$10 for each offense.

CHEESE.

Sec. 16. Any person who shall manufacture out of any oleaginous substance or compound thereof, other than that produced from unadulterated milk, any article designed to take the place of cheese produced from pure milk, or any article termed "Full Cheese," shall stamp each package on the top and sides with lamp black and oil with the words "Full Cheese," or words that shall designate the exact character and quality of the product, in printed letters not less than one inch long and one-half inch wide. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100 for each offense.

Sec. 18. Repeals acts in conflict herewith.

ADULTERATED FOODS AND MEDICINE

Sec. 7309. Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong spirituous or malt liquor or wine or any article useful in compounding either of them whether as useful for mankind or for animals with a fraudulent intent to use the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, keeps or offers for sale the same as unadulterated and undiluted, knowing it to have been adulterated and diluted, is guilty of a misdemeanor.

ADULTERATED CANDY.

Sec. 7309a. No person shall by himself, his servant or agent or as the servant or agent of another person or corporation manufacture for

sale or knowingly sell or offer for sale any candy adulterated by the admixture of terra-alba, barytes, talc or any other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health. Whoever violates any of the provisions of this section shall be punished by a fine not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under the direction of the court.

Sec. 7310. Tainted Food. Every person who knowingly sells, or keeps, or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine knowing that the same has been tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk with intent to permit the same to be eaten or drunk by any person or animal is guilty of a misdemeanor.

RULINGS BY THE COMMISSIONER.

The following rulings are those required under the state law and are now generally accepted in other states:

BAKING POWDERS.

All baking powders to be sold in the state must be labeled in a conspicuous way and place with a name signifying the class or variety to which it belongs, based on the name of the acid ingredient; and in a form acceptable to the State Food Commissioner.

The following will be acceptable for the several forms: "This is an alum baking powder; an alum phosphate baking powder; a phosphate baking powder; a cream of tartar baking powder;" a tartaric acid powder, etc., but in each case it must be true to name. Acid sulphites are prohibited from use in any food product.

Buckwheat Flour.—Buckwheat flour must be the pure flour made from buckwheat. If it have other flour or self-raising ingredients mixed with it not injurious to health it may be sold as "Compounded Buckwheat Flour."

Candy.—Candy must be free from inert mineral matter; they must contain no terra alba, barytes, talc, chrome yellow or other mineral substance or aniline (coal tar dyes) or other poisonous colors or flavors detrimental to health.

Canned Goods.—Canned goods of all kinds must be free from coal tar dyes or other harmful coloring matters. They must contain no formaldehyde, salicylic acid, benzoic acid, sulfuric acid or sulphites. If they contain other preservatives the name of the preservative must be clearly indicated on a label. Saccharin is classed as an antiseptic and preservative, and its use is prohibited.

All soaked or bleached goods put up from products dried before canning, shall be plainly

marked, branded, stamped or labeled on each can or container with the words "soaked" or "bleached goods" in letters clear and distinct, in size not less than two-line pica.

Chocolate and Cocoa if made from the cocoa mass, sugar and glycerine, may be sold under the name "Prepared Cocoa" or "Sweet Chocolate." No other products can be sold under these names.

Coffee.—Coffee must be true to name. It must not be coated or polished to conceal inferiority. It must contain the extractive volatile matter natural to coffee. Compounds of coffee and chicory, or of coffee and other harmless substitutes allied to it in flavor and strength and not intended simply as an adulterant may be sold when properly labeled "Coffee Compounded." Imitations containing coffee cannot be sold as coffee compounds. They may be sold under coin names not intended to deceive.

Cream of Tartar.—This product must be pure. No compound may be lawfully sold as cream of tartar.

EXTRACTS.

Artificial Extracts may be sold when labeled "Artificial Extracts," but when the same natural extract is made from the fruit itself an imitation product can not be sold under the name of the fruit extract.

Lemon Extracts shall contain not less than five per cent of the pure oil of lemon dissolved in ethyl alcohol.

Vanilla Extract shall be made wholly from vanilla beans, and shall be free from any artificial coloring matter. Coloring matter added here must be deemed used for the purpose of concealing inferiority so as to deceive the purchaser.

When other flavoring substances are used, such as Vanillin, Coumarin or Tonka, the extract should be labeled so as to show the purchaser its true character and not to deceive. The term "Compounded Extract of Vanilla" is not a proper labeling.

Fruits, Jellies, Jam, Preserves, Etc.—These must be free from coal tar dyes, must not be colored and labeled to imitate some other product so as to deceive the purchaser. They must be free from formaldehydes, salicylic acid, benzoic acid, sulfurous acid, sulphites or other harmful preservatives. If any preservative not prohibited is used the name of the preservative must be plainly shown on a distinct label on each and every package.

Every artificial product made in part or in whole of glucose, dextrine, starch or other substances not injurious to health may be distinctly labeled "Imitation fruit, jelly, jam or butter," but must not contain the name of any fruit so as to deceive or mislead the purchaser.

If saccharin (coal tar sugar) is present the fact must be clearly indicated on the label.

Honey.—Honey adulterated with glucose or other substances may be sold when labeled "Adulterated Honey."

Lard.—Imitation lard products must not be sold under the name of lard. "Compound Lard" may be used on compounds made of lard and other substances.

Maple Sugar.—Maple sugar must be true to name.

MEATS, ETC.

Meats.—Meats of all kinds must not contain prohibited preservatives or coal tar dyes.

Sausages.—Sausages must be free from tainted or decomposed meat, must not contain coal tar dyes, or prohibited chemical preservatives.

SPICES, ETC.

All Spices must be pure. The mixture of any foreign substance with any spice is adulteration. The extracting of the active principal of any spice as extracting or removing the oil from cloves or the active principal of ginger is an adulteration.

A mixed or imitation product must not be labeled so as to mislead or deceive the purchaser. The word "Compounded" before or after the name of the spice is not a proper labeling for imitation or adulterated goods.

Syrups.—Maple syrup must be the product produced from the sap of the maple tree.

Artificial products intended to imitate maple syrup must not be sold under that name.

Molasses having mixed with it glucose may be sold as syrup but in no case as molasses or molasses compound.

Vinegars.—All vinegar must contain at least four per cent of absolute acetic acid carrying in solution, if undistilled, extractives from the fruit, grain, vegetable or syrup used in their preparation. The term "Vinegar" is limited to water solution of acetic acid derived from alcohol by fermentation.

Cider Vinegar must be made wholly from the fermented juice of the apple. Artificial or other vinegars fortified with another must not be sold as cider vinegar. The addition of apple pomace or apple jelly to the vinegars does not entitle it to be sold as cider vinegar.

Malt Vinegars must be made entirely from an infusion of malted grains. Every jug or retainer should be labeled with the class of vinegar contained therein.

Whenever the words "Artificial," "Compound," or "Imitation," etc., are used, these words must be printed immediately preceding or following the word they are intended to modify, in the same size type and equally prominent.

E. F. LADD,

North Dakota Food Commissioner.

FAC-SIMILE OF LABEL



FAC-SIMILE OF LABEL



Every Merchant

DESIROUS OF GIVING
HIS CUSTOMERS THE
BEST---MUST BE IN-
TERESTED IN THE

“*Macriseo*”

BRAND OF PURE
FOOD PRODUCTS

THE

McCART-CHRISTY

COMPANY

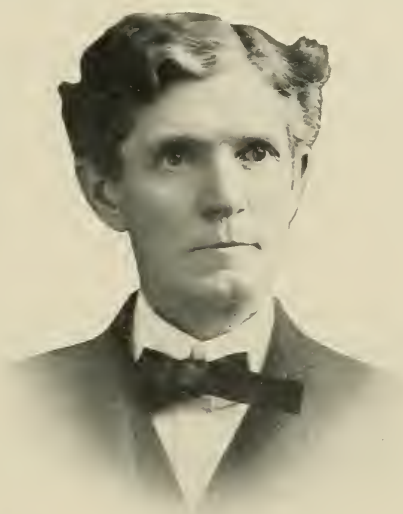
CLEVELAND, OHIO.



FAC-SIMILE OF LABEL



FAC-SIMILE OF LABEL



HORACE ANKENY,
Dairy and Food Commissioner.



GEO. DEMUTH,
Assistant Dairy and Food Commissioner.



JOHN J. KINNEY,
Assistant Dairy and Food Commissioner

OHIO DAIRY AND FOOD COMMISSION.

CHILI SAUCE

Is the sauce for me,
made by

LIPPINCOTT & CREE

Chili Sauce is the Sauce for me,
Made by Lippincott & Cree.



Highest Grade
Pickles
Catsups
Sauces
Olives
Preserves
Jams
and other
"Pure Food"
Fruits and
Condiments

Chili
Sauce
Better
Than
Catsup

Chili Sauce is really better than Catsup if it is made as we make it, carefully selected whole ripe tomatoes and vegetables only are used to blend with the spices and other pure ingredients.

To every kind of meat, fish, game, soup and vegetable it adds a delicious flavor.

We authorize every grocer to refund purchase money for every package not proving satisfactory. Send for our booklet "Table Delicacies." Address Dept. "C." Yours truly,

THE LIPPINCOTT & CREE CO.

CINCINNATI, OHIO.

THE LIPPINCOTT & CREE Co.

42 AND 44 MAIN STREET, CINCINNATI, OHIO

PURE FOOD LAWS OF OHIO.

Pure Food Laws of Ohio are enforced by a Dairy and Food Commissioner elected by the people, who has power to appoint two Assistant Commissioners and such additional Inspectors and Chemists as may be needed. He is charged with the enforcement of all laws against fraud and adulteration and impurities in foods, drinks, drugs, linseed oil and unlawful labeling, and is also required to gather evidence of the violation of the liquor tax laws of the State.

The present State Dairy and Food Department consists of the following:

OHIO DAIRY AND FOOD DEPARTMENT.

Horace Ankeney, commissioner, Columbus.

John J. Kinney, assistant commissioner, Cincinnati.

George Demuth, assistant commissioner, Toledo.

C. M. Shafer, chief inspector food department, Canal Fulton.

R. L. Allbritain, chief clerk, Columbus.

Roscoe J. Mauck, chief counsel, Columbus.

Lynne W. Neereamer, stenographer, Columbus.

Annie C. Hoge, clerk, Columbus.

Dr. F. H. Frost, drug inspector, Lebanon.

William Martin, inspector, Chardon.

W. E. Johnson, inspector, Jackson.

E. C. Hamilton, inspector, Washington C. H.

Anthony Sauer, inspector, Cincinnati.

George H. Riley, inspector, Ashley.

C. V. Rumbaugh, chief inspector, liquor tax, Herring.

F. A. Gamble, inspector, liquor tax, Van Wert.

W. H. Westman, inspector, liquor tax, Cleveland.

Moses Walton, inspector, liquor tax, Spring Valley.

John A. Smith, inspector, liquor tax, Logan.

Milton James, inspector, liquor tax, Caldwell.

Perry L. Hobbs, chemist, Cleveland.

T. D. Wetterstroem, chemist, Cincinnati.

Azor Thurston, chemist, Grand Rapids.

O. S. Marckworth, chemist, Columbus.

H. A. Weber, chemist, Columbus.

William McPherson, chemist, Columbus.

B. S. Young, chemist, Ada.

J. H. Beal, chemist, Scio.

O. G. Brooks, messenger, Columbus.

THE LAWS WHICH IT IS THE CHARGE OF THE COMMISSIONER TO ENFORCE ARE IN SUBSTANCE AS FOLLOWS:

Sec. 1. The state dairy and food commissioner shall be elected for two years, beginning

with 1896, at a salary of \$3,500 per year and expenses, not exceeding \$150 per year.

Sec. 2. The commissioner and his assistants and inspectors shall inspect any article of butter, cheese, lard, syrup or any other article of food or drink made or offered for sale in this state, and prosecute persons engaged in the manufacture of any adulterated article of food or drink contrary to the laws. The commissioner or his assistants or inspectors shall have the right to enter into any creamery, factory or place of business where he shall have reason to believe food or drink is sold, and to examine the books and to open any cask or package containing any article of food or drink and analyze the contents thereof, and the prosecuting attorney in any county shall, when called upon by said commissioner or assistants, render any legal assistance in the prosecution of cases arising under this act.

Sec. 3. The said commissioner, or any assistant commissioner, or any inspector, of the dairy and food department shall have power in the performance of their duty, to enter into any creamery, factory, store, salesroom, drug store or laboratory, or place where they have reason to believe food or drink or linseed oil are made, prepared, sold or offered for sale, and to examine their books, and to open any cask, tub, jar, bottle or package, containing or supposed to contain any article of food or drink and examine or cause to be examined and analyzed the contents thereof, and it shall be the duty of any prosecuting attorney in any county of the state, when called upon by said commissioner or assistant commissioner, or any inspector, to render him any legal assistance in his power, to execute the laws, and to assist in the prosecution of cases arising under provisions of this act.

Sec. 4. Said commissioner may appoint not to exceed two assistant commissioners, each of whose salaries shall be one thousand dollars per year, and necessary traveling expenses incurred in the discharge of their official duties, to be paid in like manner with the commissioner's and on itemized vouchers approved by said commissioner: the said commissioner shall have power to employ such experts, chemists, agents, inspectors as may by him be deemed necessary for the proper enforcement of the laws, their compensation to be fixed by the commissioner. And each assistant commissioner and inspector now serving or hereafter appointed shall, before entering upon or continuing in the discharge of his duties, give bond payable to the state in the sum of \$1,000 with

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COMMODORE
GRADE

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Prices**

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CARDINAL
GRADE

PURITY



QUALITY

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Have a Corner on This Page.

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GRADE

**THE
WEIDEMAN
CO.**

CLEVELAND, U. S. A.

EXTRA
STANDARD
BEST VALUE
GRADE

sureties to the approval of the dairy and food commissioner conditioned for the faithful performance of his duties, which bond, when so approved, shall be filed with the secretary of state and be open to inspection at all proper times.

All charges, accounts and expenses authorized by this act shall be paid out of the state treasury upon vouchers certified by the commissioner, and upon warrant by the state auditor. The entire expense of said commissioner shall not exceed in one year the amount specifically appropriated for such purposes. All vacancies in the office of dairy and food commissioner shall be filled by appointment of the governor until the next general election, then the same shall be filled as in the original election. All fines, fees and costs assessed and collected under prosecutions begun, or caused to be begun, by the commissioner, and all fines, fees and costs heretofore assessed and collected under prosecution begun or caused to be begun by the commissioner, shall be paid by the court to the commissioner, and by him paid into the state treasury and be credited to the general revenue fund of the state.

The two most easterly rooms on the north side of the east end of the south corridor of the state house, now occupied by the dairy and food commissioner, are set apart for his use, wherein shall be kept his books, records, or other property of his office.

He shall keep a seal with which to attest official acts and documents, and shall be entitled to stationery and supplies from the secretary of state as are other state officers. The commissioner shall make an annual report to the governor as soon as possible after the 15th day of November of each year, containing itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value; said reports to be published as are the other reports of the other state officers.

He shall issue bulletins at such times as he may deem best, giving such information as he may have of the condition of the various products which it is his duty to cause to be inspected and the results of analyses by him caused to be made and such other information as may be serviceable to the public, which said bulletins shall be immediately published by the state and distributed by the commissioner.

GENERAL PURE FOOD LAW OF OHIO.

As Amended April 20, 1904.

AN ACT

To provide against the adulteration of food and drugs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That no person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated, within the meaning of this act.

SEC. 2.—The term "drug," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food" as used herein, shall include all articles used for food, drink, confectionery, or condiment by man, whether simple, mixed or compound.

SEC. 3. An article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the seventh decennial revision of the United States Pharmacopoeia it differs from the standard of strength, quality or purity laid down therein; (2) If, when sold under or by a name not recognized in the seventh decennial revision of the United States Pharmacopoeia, but which is found in some other Pharmacopoeia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (3) If, its strength, quality or purity, falls below the professed standard under which it is sold.

(b) In case of food, drink, confectionery or condiment: (1) If, any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) If it is an imitation of, or is sold under the name of another article; (5) If it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal; (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) If it contains any added substance or ingredient which is poisonous or injurious to health; (8) If it is sold under a coined name and does not contain some ingredient suggested by such name or contains only an inconsiderable quantity; (9) If the package containing it or any label thereon shall bear any statement regarding it or its composition which shall be false or misleading in any particular; provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary ar-



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ACME BRAND

Pickles
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Jelly
Fruit Butters
Catsup
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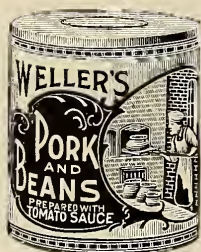
CINCINNATI

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OHIO



ticles or ingredients of articles of food, or drink, if each and every package sold or offered for sale be distinctly labeled in words of the English language, as mixtures or compounds, with the name and per cent of each ingredient therein. The word "compound" or "mixture" shall be printed in type not smaller in either height or width than one-half the largest type upon any label on the package and the formula shall be printed in letters not smaller in either height or width than one-fourth the largest type upon any label on the package, and said compound or mixture must not contain any ingredient injurious to health.

SEC. 4. Every person manufacturing, offering or exposing for sale or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

SEC. 5. Whoever refuses to comply, upon demand, with the requirements of Section 4, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned not exceeding one hundred, nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale.

AN ACT PROVIDING AGAINST THE SALE OF UNWHOLESOME FOOD AND AGAINST THE CONTAMINATION OF ANIMALS USED FOR HUMAN FOOD.

Section 6928. Provides that whoever sells or has in his possession with a view to selling any diseased or corrupted or unwholesome provisions, whether meat or drink, without making the conditions thereof known to the buyer, and whoever kills for the purpose of sale any calf less than four weeks old, or has in his possession with intent to sell the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not more than \$50 or imprisonment not more than 20 days, or both.

Sec. 6928. 1. Whoever feeds to swine or animals used for human food the flesh of any old horse or the flesh of any animal which has become old, decrepit or sick, or of any dead ani-

mal, or of any offal, or flesh that is putrid or unwholesome, shall be fined not less than \$50 nor more than \$200 or imprisonment for the first offense not more than 30 days, or both, and for the second offense not more than six months, or both.

AN ACT TO PREVENT ADULTERATION OF AND DECEPTION IN THE SALE OF DAIRY PRODUCTS.

Section 1. Prevents the sale or exchange of any substance represented to be butter or cheese not made wholly from pure milk or cream, salt and harmless coloring matter, unless it is sold under its true name and each vessel and package is marked with the true name of such substance in bold faced capital letters not less than five line pica in size, and also the name of each article or ingredient used in the composition of such substance in letters not less than pica in size; or sell or dispose of such substances without labeling each package thereof plainly; and "creamery" or "dairy" or any combination of such words shall not be placed on any vessel or package containing any imitation of dairy products not wholly made from pure milk or cream and harmless coloring matter and salt.

Sec. 2. Prevents the manufacture out of any oleaginous substances or compound thereof not produced from unadulterated milk or cream, salt and harmless coloring matter, of any article designed to be sold as butter or cheese made from pure milk or cream, salt and harmless coloring matter. The use of pure skim milk in the manufacture of cheese is not prevented.

Sec. 3. Prevents the manufacture, compounding or addition to natural pure milk, cream, butter or cheese, of any animal fats or oils, or mineral or vegetable oils, or of any oleaginous substance not produced from pure milk or cream, salt and harmless coloring matter, or to dispose of the same as and for butter and cheese made from unadulterated milk or cream, salt and harmless coloring matter.

Sec. 4. Prevents the sale or exchange, or the possession of any substance made in imitation of any dairy product which is falsely branded or labeled as to the place where made, the name or cream value thereof, its composition or ingredients, or in any other respect.

Sec. 5. Prevents the sale or exchange or the possession of any dairy product falsely branded or labeled as specified in section 4, and cheese wholly made from skimmed milk shall have branded upon the box or can containing same "made from skimmed milk."

Sec. 6. Compels persons dealing in any substance other than butter or cheese made wholly from pure milk or cream, salt and harmless coloring matter, in imitation of butter or cheese, to keep a card 10 by 14 inches in a con-

Forest City Coffee, Spice and Mustard Mills

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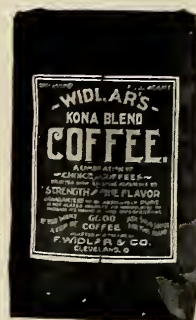
Teas, Coffees, Spices



COFFEES

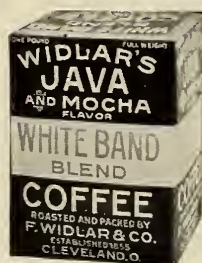
Green, roasted and ground

OUR PROPRIETARY BRANDS



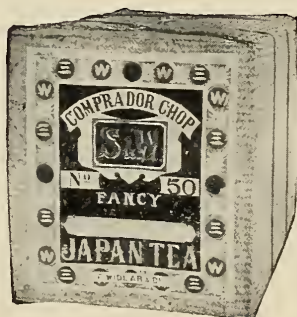
Roasted Coffees
in 1-lb. papers—

Widlar's Kona Blend
Widlar's Red Band
Widlar's White Band



Roasted Coffees
in 1 and 2-lb. cans—

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Java



TEAS

All grades and kinds including our own importation of the celebrated **Compador** and **Black Cross** Japan teas.



SPICES

The very best obtainable. Our ground spices are absolutely pure and the best for pickling and preserving. We also have the very best whole mixed spices.

F. WIDLAR & COMPANY
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spicuous place in the store, room, stand, booth, wagon or place where such substance is, on which shall be printed on a white ground in bold black Roman letters not less than twelve lines pica, the words "Oleomargarine" or "Imitation cheese" (as the case may be) "sold here," and said card shall not contain any other words: and no person shall sell oleomargarine, suine, imitation cheese, or imitation dairy products at retail without informing the purchaser that such substance is an imitation.

Sec. 7. Requires every proprietor, keeper or manager in charge of any hotel, boarding house, restaurant, lunch counter, or public house using or disposing of any substance in imitation of butter or cheese not made wholly from pure milk or cream, salt and harmless coloring matter, to display and keep a white card in a conspicuous place where such substance is sold, used or disposed of not less than 10 by 14 inches, upon which shall be printed in plain bold black Roman letters of twelve line pica the words "Oleomargarine sold and used here," or "Imitation cheese sold and used here" (as the case may be), and the said card shall not contain any other words.

Sec. 8. Prevents the packing, shipping or consigning of any substance as pure butter or cheese in a manner intended to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of the same.

Sec. 9. Provides that no person shall sell or carry to any cheese or butter factory to be manufactured any milk diluted with water or adulterated, or skimmed milk, or milk from which the part known as "strippings" has been withheld, with intent to defraud, or render any false account of the quantity or weight of milk furnished at or to any factory for manufacture.

Sec. 10. Prevents the sale or exchange of unclean or unwholesome milk, or as "pure milk" milk diluted with water or skimmed milk.

Sec. 11. Prevents the sale or exchange or the possession of any milk falsely branded as to grade, quantity or place where produced or procured.

Sec. 12. No person shall keep milk cows in a cramped or unhealthful condition, or upon food that produces impure or unwholesome milk.

Sec. 13. Requires that in the sale or exchange of any condensed milk the package or vessel containing the same shall be distinctly labeled with its true name or brand, by whom and under what name made, and that no condensed milk shall be made, sold or exchanged unless made from pure unadulterated milk, not skimmed, or unless the proportion of milk sol-

ids contained in condensed milk are twelve per centum of milk solids in crude milk, and of such solids twenty-five per centum shall be fat.

Sec. 14. No impure butter or cheese shall be used in any of the charitable or penal institutions of the state.

Sec. 15. It is a misdemeanor to violate any of the foregoing sections, punishable by a fine of not less than \$50 nor more than \$200 for the first offense or for each succeeding offense not less than \$100 nor more than \$500, or by imprisonment not less than 10 nor more than 30 days, or both.

AN ACT TO PREVENT DECEPTION IN THE SALE OF DAIRY PRODUCTS AND TO RESERVE THE PUBLIC HEALTH.

Sec. 1. Prevents the manufacture or rendering for sale out of animal or vegetable oils not produced from unadulterated milk or cream of any imitation of natural butter or cheese so produced, nor compound with or add to milk, cream or butter any acids or other deleterious substances or animal fats or oils, or vegetable oils not produced as aforesaid, so as to produce any imitation of natural butter or cheese, whether such article, substance or compound shall be made in this state or elsewhere.

Sec. 2. For the purpose of this act the terms "natural butter and cheese," "natural butter or cheese produced from pure unadulterated milk or cream from the same, butter and cheese made from unadulterated milk or cream, butter or cheese the product of the dairy," and butter and cheese shall be understood to mean the product usually known by the terms butter and cheese manufactured exclusively from pure milk or cream, or both, with salt, or with or without any harmless coloring matter. Provided the sale of oleomargarine is not prohibited if made in a manner to advise the consumer of its real character.

Sec. 3. It is a misdemeanor to violate this act, punishable by a fine of not less than \$100 nor more than \$500, or not less than six months nor more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.

OLEOMARGARINE.

Sec. 1. Prevents the sale or having in possession of oleomargarine containing any methylene orange, butter yellow, annato, analine dye, or any coloring matter.

Sec. 2. Requires persons selling or delivering oleomargarine to keep a white placard 10 by 14 inches in a conspicuous place where such substance is offered for sale upon which shall be printed in black letters one and one-half inches square the words "oleomargarine sold here": and said package must be labeled with

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Jobbers, Manufacturers,
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Woolson Spice Company

Importers and Millers

Toledo, Ohio

ADVOCATES AND SUPPORTERS OF PURE FOOD LAWS

the true name of such article on the upper side thereof, in letters not less than five-eighths of an inch square the name and per cent of each ingredient therein.

Sec. 3. Every proprietor, hotel keeper, manager of boat, railroad car or eating house, using oleomargarine, is subjected to the requirements of section 2 as to notifying the guests or patrons of such usage, except as to the ingredients contained in said oleomargarine.

Sec. 4. "Oleomargarine" is defined to mean any substance not pure butter of not less than 80 per cent of butter fats, made in imitation of butter.

Sec. 5. Provides that any manufacturer who violates this act shall be fined not less than \$100 nor more than \$500; and for each subsequent offense in addition to the fine he may be imprisoned in the county jail for 90 days; any other person shall be fined \$50 nor more than \$100.

CHEESE.

Sec. 1. Provides that whoever sells or has in his possession with intent to sell any substance in imitation of cheese, not made exclusively and wholly of milk or cream, with salt, rennet, and with or without harmless coloring matter, or containing any fats, oils or grease not produced from milk or cream, shall have the words "filled cheese," and all cheese made as aforesaid containing less than 30 per cent pure butter fat, shall have the words "skimmed cheese" stamped or labeled in letters of plain uncondensed Gothic type at least one inch in length upon the sides of every cheese, cheese cloth or band around the same, and upon the top of every package containing the same. Retailers shall deliver with each package to the purchaser a label attached upon the outside thereof with the words "filled cheese" or "skimmed cheese" printed as aforesaid.

Sec. 2. Whoever sells any substance as cheese, except as provided in section 1, or whoever erases, cancels or removes any label or wrapper as provided aforesaid, or falsely labels or marks any package stamped as aforesaid, shall be fined not less than \$50 nor more than \$100, or be imprisoned in the county jail not less than 10 nor more than 30 days for the first offense, and not less than \$100 nor more than \$200, or by imprisonment in the county jail not less than 20 nor more than 60 days, or both, for each subsequent offense.

Sec. 3. Whoever sells any substance as cheese not marked as hereinbefore provided shall be punished by a fine not less than \$50 nor more than \$100, or by imprisonment in the county jail not less than 10 nor more than 30 days for the first offense, and by a fine of not less than \$100 nor more than \$200, or by im-

prisonment in the county jail not less than 20 nor more than 60 days, or both, for each subsequent offense.

Sec. 4. Whoever sells any substance as an imitation of cheese not made as aforesaid, from any dwelling, office, store or public mart, shall post therein in letters not less than four inches in length "filled cheese sold here," or "skimmed cheese sold here," as the case may be. For failure to do so he shall be fined \$100 for the first offense and \$100 a day for each day's neglect thereafter.

Sec. 5. Whoever sells or solicits orders for the future delivery of, or delivers "filled cheese" or "skimmed cheese" or any imitation thereof not made as aforesaid, and not having on both sides of said cart, wagon or other vehicle a placard containing the words "filled cheese" or "skimmed cheese" in uncondensed Gothic letters not less than three inches in length, shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail not less than 10 nor more than 30 days for the first offense, and by a fine of not less than \$100 nor more than \$200 or by imprisonment in the county jail not less than 20 nor more than 60 days, or both, for each subsequent offense.

Sec. 6. Whoever furnishes in any hotel, restaurant, or at any lunch counter "filled cheese" or "skimmed cheese," or any imitation thereof, not made as aforesaid, shall notify each guest or patron that said substance is not cheese, and any person so furnishing without said notice shall be punished by a fine of not less than \$10 nor more than \$50 for each offense.

Sec. 7. Every manufacturer may brand each cheese manufactured indicating "full milk cheese," with the name and year when made, and no person shall use such brand upon any cheese made from milk from which any of the cream has been taken. The food and dairy commissioner shall issue to each manufacturer upon application before the first day of April of each year, upon such regulations as he may prescribe, a uniform stencil brand bearing a suitable motto or design and the words "Ohio state full cream cheese." Every such brand shall be used upon the outside of the cheese, cheese cloth or band, and upon the package or box containing the same and bear a separate number for each separate manufacturer. The commissioner shall register the name, location and number of each manufacturer, using the brand or stencil authorized in each factory. No such brand shall be used upon any other than full cream cheese or packages thereof; provided, however, this section shall not prohibit the sale of pure skimmed cheese made from



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Guaranteed under Pure Food
Laws of all the States

Manufactured only by

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135 Sycamore Street

CINCINNATI, OHIO

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The Zipp Manufacturing Co.
CLEVELAND OHIO

milk that is clean, pure and unadulterated except by skimming. The commissioner shall receive a fee of \$1 for each registration, to be paid by the person applying therefor. Every violation of this act is punishable by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail not less than 10 nor more than 30 days for the first offense, and by a fine of not less than \$100 nor more than \$200, or by imprisonment in the county jail not less than 20 nor more than 60 days, or both fine and imprisonment, for each subsequent offense.

Sec. 8. The word "person" shall include persons, corporations and companies.

MILK.

Sec. 1. Prevents the sale, exchange or delivery or possession with intent to sell of adulterated milk, or milk to which water or any foreign substance has been added, or milk from diseased or sick cows, and declares it a misdemeanor to violate this act, punishable by a fine of not less than \$50 nor more than \$200 for the first offense, nor less than \$100 nor more than \$300, or by imprisonment in the work house for not less than 30 days nor more than 60 days for a second offense, and for a subsequent offense by a fine of \$50 and by imprisonment in the work house for not less than 60 nor more than 90 days.

Sec. 2. Whoever sells, exchanges or has in his possession with intent to sell any milk from which the cream or part thereof has been removed, shall be punished as in the preceding section provided.

Sec. 3. No dealer in milk shall sell or exchange or deliver "skimmed milk" unless the words "skimmed milk" have been plainly marked in uncondensed Gothic letters not less than one inch in length upon each vessel or package containing the same. Whoever violates this section shall be punished as provided in section 1.

Sec. 4. In prosecutions under this chapter if milk is shown upon analysis to contain more than 88 per cent of watery fluids, or to contain less than 12 per cent milk solids, or less than 3 per cent of fats, it shall be deemed for the purpose of this chapter to be adulterated.

CANDY.

Sec. 1. Prevents the sale or manufacture of adulterated candy, by the admixture of terra alba, barytes, talc or other mineral substance, poisonous colors or flavors or ingredients injurious to health.

Sec. 2. Every person manufacturing any candy shall upon demand furnish the buyer with a sample sufficient for analysis thereof.

Sec. 3. Whoever refuses to comply with the requirements of section 2, and whoever violates this act, shall be guilty of a misdemeanor and fined not exceeding \$100 nor less than \$25, or imprisoned in the county jail not exceeding 100 nor less than 30 days, or both, and in addition shall pay costs incurred in inspection and analysis of such adulterated candy.

CANNING FRUITS AND VEGETABLES.

Sec. 1. It is unlawful for any packer or dealer in preserved or canned fruits or vegetables to offer same for sale, except goods brought from foreign countries, unless marked to indicate the grade and quality, together with the name and address of such firm, person or corporation who packed the same, or dealer who sells the same.

Sec. 2. All soaked goods or goods put up from produce dried before canning shall be securely labeled, upon which label the words "soaked" in letters not less than two-line pica shall be printed; and all packages containing maple syrup or molasses shall be labeled, and upon such label shall be printed the name and address of the person, firm or corporation who made and prepared the same, together with the name and quality of the goods, in letters of the size provided in this section.

Sec. 3. Any person who shall falsely stamp or label cans or jars containing preserved fruit or food or violates the provisions of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$50 in the case of vendors, and in the case of manufacturers a fine of not less than \$500 nor more than \$1,000; and it shall be the duty of any board of health cognizant of any violation of this act to punish any firm or corporation violating the provisions hereof.

MAPLE SYRUP AND SUGAR LAW.

Sec. 1. That maple sugar, or pure maple sugar, and maple syrup, or pure maple syrup, shall be the unadulterated product produced by the evaporation of pure sap from the maple tree.

Sec. 2. The standard of weight of a gallon of maple syrup of 231 cubic inches in the State of Ohio, shall be eleven pounds. Any other substance mixed with maple sugar or maple syrup or any other substance purporting to be maple sugar or maple syrup or maple syrup of less weight than eleven pounds to the gallon of 231 cubic inches shall be deemed to be an adulteration of such substance.

Sec. 3. Any person who shall manufacture for sale, offer for sale, or have in his possession with intent to sell, or sell or deliver as and for maple syrup or maple sugar any adulteration of maple syrup or maple sugar as herein

RIPPEY'S POWDERED FOAMOLINE

(TRADE MARK REGISTERED)

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ICE CREAM,
Sherbets,
Fruit Frosts,
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Water Ices.**



Rippey's Powdered Foamoline not only enriches your Ice Cream and gives it that smooth, pasty appearance, so much admired by lovers of Ice Cream, but adds to its bulk and will remain firm and solid longer with less ice and less labor than any article ever before offered for that purpose.

No Heat or Eggs Required, you simply mix Rippey's Powdered Foamoline with the sugar while dry, add your cream or milk and it is Ready for the Freezer.

For a limited time we will send by mail, postage paid, full half pound on receipt of 25 cents in stamps. Our formulas for ice cream, sherbets, fruit frosts and water ices mailed free on receipt of your address.

CAUTION.—Rippey's Powdered Foamoline is packed in 1 pound boxes with registered trade mark and signature of William Rippey on every box. Never sold in bulk.

PRICE - - 35 cents per pound.

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Concord, Claret, Ives Seedling, Virginia Seedling,
Sweet and Sour Catawba, Delaware and Riesling.
Port, Sherry, Scuppernong, Sauterne, Angelica and
Blackberry. **Pure Orange Wine**, something entirely new.

Write for prices or samples.

The Lake Erie Wine Co., Inc., Sandusky, O.

Proprietors of BAY VIEW VINEYARD; growers and pressers of pure
native wines; distillers of Apple, Peach, Prune and Cognac Brandies.

OUR WINES AND BRANDIES COMPLY WITH ALL PURE FOOD LAWS

defined shall, upon conviction, be punished as provided in section 6 of this act.

Sec. 4. Any person who shall offer for sale, have in his possession with intent to sell, or sell or deliver as and for maple syrup, or as and for maple sugar, any articles which do not bear the name and address of the packer and also the state, territory or country in which the goods were produced, in plain legible type upon the label, shall upon conviction, be punished as provided in section 6 of this act.

Sec. 5. Any person who shall offer for sale, have in his possession with intent to sell, or sell or deliver any adulteration of maple syrup or maple sugar in any box, can, bottle or other package, having the word "Maple" or any compounding of this word, as the name or part of the name of the syrup or sugar, or any device or illustration suggestive of maple syrup or sugar or the manufacture thereof, shall, upon conviction, be punished as provided in section 6 of this act.

Sec. 6. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than two hundred dollars and shall pay the costs of prosecution.

VINEGAR.

Sec. 1. Prevents the manufacture or sale or delivery or possession with intent to sell of vinegar not in compliance with the provisions hereof. No vinegar shall be sold as apple or cider vinegar which is not the legitimate product of pure apple juice; or vinegar not made exclusively of apple cider; or vinegar which upon test shall contain less than two per cent by weight of cider vinegar solids upon full evaporation at the temperature of boiling water.

Sec. 2. Vinegar made by fermentation or oxidation without the intervention of distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. Vinegar made from distilled liquors shall be branded "distilled vinegar" and shall be free from coloring matter other than that imparted to it by distillation. Fermented vinegar not distilled shall contain not less than 2 per cent of solids (at the temperature of boiling water) contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two and one-half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegar shall be made from fruit or grain from which it is represented to be made, and contain no foreign substance, and shall contain not less than four per cent by weight of absolute acetic acid.

Sec. 3. Prevents the manufacture or sale or possession with intent to sell of vinegar containing any preparation of lead, copper, sulphuric or other mineral acids or ingredients injurious to health. All packages containing vinegar shall be branded on the head of the cask, barrel or keg containing same with the name and residence of the manufacturer, together with brand required in section 2 hereof.

Sec. 4. A violation of this act is punishable by a fine of not less than \$50 nor more than \$100, or imprisonment not less than 30 nor more than 100 days, or both, and the payment of costs incurred in the inspection and analysis of such vinegar. Every person not a domestic manufacturer of cider vinegar shall brand the packages or kegs containing same with the name and residence of the manufacturer, the date when same was made, and the words "cider vinegar." No vinegar shall be branded fruit vinegar unless made wholly from apples, grapes or other fruit. Provided this act shall not prevent farmers from manufacturing for their own private use or selling not to exceed twenty-five barrels in any one year pure cider vinegar or pure fruit vinegar, branding the same "domestic cider vinegar" with the name and date of manufacture.

FLAXSEED OR LINSEED OIL.

Sec. 1. Prevents the sale or manufacture of flaxseed or linseed oil for other than food purposes unless the same answers the chemical test for purity recognized in the United States Pharmacopœia, or as "boiled linseed oil" unless the same shall have been put in its manufacture to a temperature of 225 degrees Fahrenheit.

Sec. 2. Prevents the sale of flaxseed or linseed oil under any other than its true name, and requires that each tank, car, barrel or any vessel containing same shall be distinctly and durably painted or stenciled with the true name of such oil in ordinary black-faced capital letters not less than five lines pica in size with the words "Pure Linseed Oil, Raw." or "Pure Linseed Oil, Boiled." and the name and address of the manufacturer.

Sec. 3. Prevents the sale without stamp as required by this act on vessels containing flaxseed or linseed oil or falsely stamping same, and declares such to be a misdemeanor, punishable by a fine of not less than \$50, nor more than \$500, or imprisonment not less than 30 nor more than 90 days, or both, for each offense.

Sec. 4. The Food and Dairy Commissioner is charged with the enforcement of this act.

Established 1857.

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Coffee and Spice Mills

Teas Coffees Spices

All Goods bearing our name are Guaranteed

S. C. SMITH & CO.

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We make a specialty of Private Brand Baking
Powder at lower prices than named by any other
responsible manufacturer. Write for sample
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THE CANBY, ACH & CANBY COMPANY DAYTON, OHIO

INTOXICATING LIQUORS.

Sec. 1082 R. S. Whoever adulterates for the purpose of sale any spirituous, alcoholic or malted liquors used for drink or mechanical purposes with coculus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazilwood, cochineal, sugar of lead, aloes, glucose, tannic acid or any other substance which is poisonous or injurious to health, or with any other substance not necessary in the manufacture thereof, or whoever sells such adulterated liquors shall be fined in a sum not less than \$20 nor more than \$100, or be imprisoned not less than 20 nor more than 60 days, or both. Any person guilty under this section shall also pay all costs incurred in inspection and analysis of such adulterated liquors.

(MANUFACTURING OR SELLING POISONED LIQUORS.)

Whoever uses any active poison in the manufacture or preparation of any intoxicating liquors, or sells such liquors so prepared, shall be imprisoned in the penitentiary not less than one nor more than five years.

(FAILING TO PROPERLY BRAND PACKAGES OF LIQUORS.)

Whoever sells or manufactures intoxicating liquors and fails to brand on each package containing same the name of the manufacturer or person rectifying or preparing the same, and also the words "containing no poisonous drugs or other added poison," shall be fined not more than \$1,000 and imprisoned not more than six months nor less than one month.

DOMESTIC WINES.

Sec. 1081 R. S. Whoever adulterates any wine, or juice expressed from grapes grown within this state, by mixing therewith any drugs, chemicals, cider, whisky or other liquor and whoever sells such adulterated wine or grape juice knowing the same to be adulterated, shall be fined in any sum not more than \$300 nor less than \$50.

WINE, PURE, COMPOUNDED AND ADULTERATED.

Sec. 1. Provides that all liquors denominated as wine, containing alcohol, "except such as shall be produced by natural fermentation of pure undried grape-juice," or compounded with distilled spirits, or by both methods, whether denominated as wine or otherwise, except as allowed in section 4 of this act: or for compounding with other liquors for such use; and all compounds thereof with pure wine; and all preserved fruit juices compounded with substances not produced from undried fruit; and

all wines which contain any glucose or uncrystallized grape or starch sugar, or cider, or pomace of grapes, the juice of which has been expressed or extracted, known as grape cheese; and all wines, imitation of wines produced from fruit into which carbonic acid gas has been injected, or which shall contain any alum, baryta, salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, salicylic acid or any other antiseptic, coloring matter (other than produced from undried fruit or pure sugar), essence of ether or any foreign substance whatever, injurious to health, shall be denominated as adulterated wine; and any person selling or manufacturing the same shall be guilty of a misdemeanor, and shall be punished by a fine not less than \$200 nor more than \$1,000, or be imprisoned in the county jail not less than 30 days nor more than six months, or both, and shall be liable to a penalty of \$1 for each gallon thereof sold or manufactured; and such wine shall be deemed a public nuisance and forfeited to the state.

Sec. 2. For the purposes of this act the words "pure wine" shall be understood to mean the fermented juice of the undried grapes, without the addition of water, sugar or any foreign substance whatever; and that such wine shall be known as "pure wine" and shall be stamped or labeled as "pure wine," and the name and kind of wine and the locality where made and the name of the manufacturer may also be added; and it shall be unlawful to affix any label containing the words "pure wine" on any vessel or receptacle containing any substance other than pure wine as in this section defined, or to counterfeit such label so as to mislead or deceive any person or cause the supposed contents of such package to be considered pure wine; and if the name of the manufacturer is added, then only such manufacturer's make, provided the same is pure wine; and any person selling such wine shall in the invoice thereof plainly state and designate the same as "pure wine."

Sec. 3. For the further purposes of this act the word "wine" shall be understood to mean the fermented juice of undried grapes: provided that the addition of pure white or crystallized sugar to perfect the wine, or the using of the necessary things to clarify and refine the same not injurious to health shall not be construed as adulterations, provided such wine shall contain not less than 75 per cent of pure grape juice and no artificial flavoring whatever; and all such "wine" shall be stamped and labeled as "wine" as provided in section 2 hereof, without the prefix "pure"; and the provisions of said section 2 as far as applicable shall govern the manufacture and sale of "wine" as

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DOVE BRAND COFFEES

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Purity Catsup, Worcestershire Sauce, Prepared Mustard, Laundry Ammonia and Blueing.

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BLUING, INK, Etc.

defined herein. Any person selling such wine shall invoice the same as "wine" without the prefix "pure."

Sec. 4. For further purposes of this act the words compounded "wine" shall be understood to mean any wine which contains less than 75 per cent of pure undried grape juice, and is otherwise pure; and all wines containing alcohol or distilled spirits not produced by the natural fermentation of pure undried grapes shall be known as compound wine and branded as such, and the name of such wine may be added, or such wine shall be labeled with the word "compounded" next preceding the name of such wine, such as "Compounded Sweet Catawba" or "Compounded Port," or the like (and an addition of pure distilled spirits not to exceed 8 per cent of its volume shall not be taken to be an adulteration of such wine); and upon each package or receptacle containing more than three gallons there shall be stamped at both ends in black printed letters at least one inch high and of proper proportion the words "compounded wine," or the name of such wine preceded by the word "compounded," as in this section provided; and upon all packages or receptacles in plain printed black letters, at least one-half inch high and of proper proportion the words "compounded wine," or the name of such wine preceded as aforesaid, and upon all packages and receptacles of one quart or less there shall be securely pasted a label with the words "compounded wine," or the name preceded as aforesaid, plainly printed in black letters at least one-fourth of an inch high and of proper proportion. Should any number of such packages or receptacles be enclosed in a larger package such inside package shall also receive the stamp "compounded wine," or the name thereof preceded as aforesaid, the letters to be the size according to the amount of such wine contained in such outside package. Such wine shall be invoiced as "compounded wine."

Sec. 5. Any person who shall violate any of the aforesaid sections shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$1,000 for each and every offense, or by imprisonment in the county jail not less than 30 days, nor more than six months, or both fine and imprisonment; and shall be liable to a penalty of one-half dollar for each gallon of such wine sold or manufactured. All penalties imposed by this act may be recovered with costs of action by any person in his own name before any justice of the peace in the county where such offense was committed, when the amount does not exceed the jurisdiction of such justice; and such penalties may be recovered in any court of record, but on the recovery by the plaintiff in such case for a sum

less than \$50 the plaintiff shall only be entitled to recover costs equal to the amount of such recovery. Prosecuting attorneys of the respective counties shall prosecute for a violation of this act and one-half of the penalty recovered shall belong to and be paid over to the person giving the information upon which the action is brought. Judgments under this act shall be construed in the same manner as judgments in other cases. Two or more penalties may be included in the same action.

Sec. 6. This act shall not apply to medicated wines sold for medicinal purposes only; nor to currant wine or other wines made from fruits other than grapes, which are labeled or sold under names including the word wine, but also distinctly expressing the fruit from which they are made, as "gooseberry wine," "elderberry wine," or the like.

(SELLING ARTICLES HAVING FORGED STAMP, BRAND, OR LABEL AFFIXED.)

Whoever sells any goods, merchandise, or preparation upon which any words, stamp or label or trade-mark is affixed, knowing the same to be forged, shall be fined not more than \$100. (56 v. 86.)

(FORGING BRAND, STAMP, LABEL, OR TRADE-MARK.)

Sec. 7096. Whoever willfully forges or counterfeits any brand, label, or trade-mark used upon goods, merchandise, or preparation shall be fined not more than \$500, or imprisoned not more than twelve months, or both.

(FAILURE TO MARK WEIGHTS ON PACKAGES; FRAUDULENT TRANSFER OF BRANDS; FRAUDULENT REPACKING OF BRANDED PACKAGES.)

Sec. 7072. Whoever puts up or packs any goods or articles sold by weight, into any case or package, and fails or omits to mark thereon the gross, tare and net weights thereof in pounds and fractions of pounds; or, with intent to defraud, transfers any brand, mark or stamp put upon such case or package, or repacks any case or package marked or branded with the stamp of any manufacturer, shall be fined not more than \$500 or imprisoned not more than six months, or both. (53 v. 69; 62 v. 145.)

(HAVING BRAND, LABEL, ETC., IN POSSESSION, TO USE FRAUDULENTLY; FRAUDULENTLY USING GENUINE BRAND, STAMP, ETC.)

Whoever has in his possession any die, plate, engraving, brand, stamp, printed label, wrapper or trade-mark, or any imitation thereof,

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TOLEDO, OHIO

MANUFACTURERS OF THE CELEBRATED
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Apple Butter

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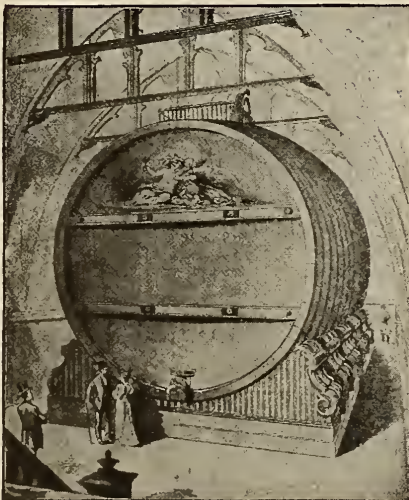
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affixed by any person upon articles made, manufactured or prepared by him, for the purpose of making impressions or selling the same when made, or passing the same off upon the community as original goods of such other person, or so in fact sells or uses the same, or wrongfully or fraudulently uses the genuine stamp, etc., shall be fined not more than \$500, or imprisoned not more than twelve months, or both. (56 v. 86.)

DECISIONS OF THE SUPREME COURT OF OHIO ON FOOD LAWS.

FOOD. PROSECUTION. It is not necessary to show in a prosecution for selling adulterated food condemned by the pure food laws that the article sold contains a sufficient amount of injurious substance to be detrimental to health if the substance is such that its continuous use in the food would have such effect. *State vs. Hutchinson*, 55 Ohio State, 573.

DELIVERY OF ADULTERATED GOODS. The statute is not violated until the goods are paid for, even if the seller intends to sell the goods and they are delivered. *Hieder vs. State* (C. P.), 40 Ohio Dec. 227.

ADULTERATED FOOD. It is held in this state that the manager of a mercantile corporation can be fined under the statute prohibiting the sale of adulterated food or drugs, for the sale of an adulterated article by the agent of a corporation if the sale was within the scope of his authority. *Meyer vs. State*, 54 Ohio St. 342.

The Act of 1884 prohibits the sale of any article of food or drug which is adulterated and it is no defense to a prosecution under it to prove that the defendant was ignorant of the adulteration of the article sold or offered for sale. *State vs. Kelly*, 54 Ohio St. 166.

POWER OF DAIRY AND FOOD COMMISSIONERS. Where they are authorized to enforce each and every law against the adulteration of food they have power to point out such matters as may be necessary to inform dealers that certain vinegar was manufactured and sold contrary to and in violation of the law, and the persons dealing therein shall be punished according to the law. *Williams vs. McNeal*, 7 Ohio Cir. Ct. Rep. 280.

DAIRY AND FOOD COMMISSIONERS—POWER. In order to employ a counsel and fix their fees dairy and food commissioners must upon the recommendation of the Attorney General receive written consent from the Governor and Auditor of the State. *State, Renner vs. Guilbert*, 58 Ohio State 637.

FOOD INSPECTOR. A food inspector cannot compel by injunction a manufacturer to sell an

Before dealing in "scheme goods" dealers should consult laws against lotteries. (Sections 6929, 6930, and 6931, R. S.)

(SELLING BY FALSE WEIGHTS.)

Whoever knowingly sells or permits any person in his employ to sell any property, or makes or gives any false or short weight or measure, whereby any person may be deceived or injured, shall be fined not more than \$50, or imprisoned not more than 30 days, or both.

article of food or drink to make an analysis under the statute, the remedy is by prosecution under the succeeding section. *State vs. Capital City Dairy Co.*, 62 Ohio St. 123.

INTENTION OF LEGISLATURE. The legislature in passing laws prohibiting the sale of unsound and diseased meat and provisions intended them as a means of protecting the public health. 39 Ohio St. 236.

ADULTERATION, AFFIDAVIT. An affidavit charging the adulteration of food and drugs need not charge that the adulterated article was sold to be used as food. *State vs. Kelly*, 54 Ohio St. 166.

KNOWLEDGE NOT ESSENTIAL. *Bismann vs. State*, 9 Ohio C. C. 714.

BUTTER. It is held to be within the power of the legislature to enact laws prohibiting the sale of any substance having the semblance of butter or cheese which is not made wholly from pure milk or cream, unless each package shall have plainly stamped upon it the name of every article used in the composition of such substance, and that it is not a defense to show that they were patented under an indictment for selling impure provisions. *Palmer vs. State*, 39 Ohio St., 236.

CHICORY. It is an offense against the pure food laws of the state to offer liquid chicory and coffee as "liquid coffee" as an article of food. *State vs. Dreher*, 55 Ohio St. 115.

COMPOUNDS. COCOA. The manufacture of a simple article of food from a natural product by abstraction which removes a valuable part does not make it a mixture or compound within the exception in the statute of this state relating to the adulteration of foods, of mixtures, or of compounds, recognized as ordinary articles of food. *Rose vs. State*, 1 Ohio C. D. 72.

Held that the extraction of the greater part of the oil from the cocoa bean, and selling the product as breakfast cocoa, is not an adulteration. *Rose vs. State*, 11 Ohio C. C. 87.

DAIRY PRODUCTS. The act regulating the sale of dairy products and to prevent fraud on

the public and to preserve the health of the same is held to be constitutional. *Holtgreive vs. State*, 7 Ohio N. P. 389.

MILK. An act prohibiting adulteration of milk and requiring that each manufacturer shall post a copy of it in the receiving room of his factory is directory only and a failure to do so will not excuse one guilty of selling adulterated milk to the factory contrary to the provisions of the act. *Bainbridge vs. State*, 30 Ohio St. 265.

MILK. On prosecution for knowingly delivering skimmed milk to a cheese factory, with intent to defraud, evidence, tending to show guilty knowledge, of similar transactions of the same kind other than that relied upon for conviction is admissible. *Bainbridge vs. State*, 30 Ohio St. 265.

DEMAND OF SAMPLES. An affidavit stating that a person refused to furnish to persons interested a sample of food for analysis that he offered for sale, is bad because it does not state that the sample was demanded. *Margolins vs. State*, 1 Ohio N. P. 264.

DUPLICATE SAMPLES. It is held that the defendant is not entitled to a sample of the article in possession of the state on which it bases its prosecution, unless the defendant can show that he cannot make a defense as to the ingredients of said article unless he obtains said sample. *State vs. Breckenridge*, 7 Ohio N. P., 663.

ANALYSIS OF DUPLICATE SAMPLES. It is discretionary with the Court to permit an expert to examine the articles on behalf of the defendant.

When an analysis of an article in possession of the state in a prosecution is made on behalf of defendant, such analysis must be made by an expert appointed by the court, and the expert who made the analysis for the state must be present thereat.

The court may appoint any expert it chooses, and need not appoint one suggested by the defendant. *State vs. Breckenridge*, 7 Ohio N. P. 663.

MASTER'S LIABILITY. MILK ADULTERATION. A master is liable for the act of his servant who, when sent with milk to a cheese factory, puts foul water into it, for all the damages sustained by the owner of the factory, who receives and pays for the milk. *Stranahan Bros. vs. Coith*, 55 Ohio St. 398.

PRINCIPAL'S LIABILITY. A general manager who sells adulterated food through traveling salesmen may be prosecuted in any county where such a sale is made. *Bissman vs. State*, 9 Ohio C. C. 714.

LIQUORS. If beer contains salicylic acid without a label on the package to the effect that

it contains such substance, and the same is found to be poisonous or deleterious to health by its constant use, it is an offense against the pure food laws under the definition of "Adulteration."

It is held that whisky is a drug under the adulteration clause.

It is an offense to adulterate whiskey under the laws providing against the adulteration of foods and drugs, even though it be sold as a beverage or commodity. *State vs. Hutchinson*, 56 Ohio 82; 55 Ohio St. 573.

WHISKEY. On a prosecution for the sale of whiskey, not up to the standard of quality and purity required, it is immaterial that the sale is made by the saloon keeper and for use as a beverage. *State vs. Hutchinson*, 56 Ohio St. 82.

MUSTARD. A justice has discretionary power in a prosecution for the sale of adulterated mustard to request the State to permit an analysis of some of the mustard to be made that the case may be better decided, unless it appears that the article would be impaired or destroyed for evidential purposes on the part of the state if the order were complied with. The analysis should be made by an expert appointed by the justice, in the presence of the plaintiff's representative and a state expert, and an officer of the court to direct the same. *Breckenridge vs. State (C. P.)*, 3 Ohio N. P. 313, 4 Ohio Dec. 289.

WINE. To sustain a conviction for selling adulterated wine it is not necessary to prove that the seller knew the wine to be adulterated. *Altschul vs. State*, 8 Ohio Cir. Ct. Rep. 214.

WINE. It is not necessary to show that acid in wine is injurious to health in order to sustain a prosecution under the law against the adulteration of food and drinks, and the putting of such acid in the wine is an adulteration whether the acid be injurious to health or otherwise. *State vs. Haynes*, 7 Ohio N. P. 624.

WINE. Held that the agent of a principal who is a non-resident is liable under the statute for the sale of adulterated wine if he only sends an order to the principal to ship the goods to the buyer. *Meyer vs. State*, 54 Ohio St. 242.

VINEGAR. Held that it is against the statute prohibiting the sale or having in possession with intent to sell any vinegar containing artificial coloring matter, to color it in the process of manufacturing it by passing the low wine or alcohol through roasted malt, giving it a malt flavor and smell, and that the same constitutes artificial coloring matter. *Weller vs. State (C. C.)* 3 Ohio Dec. 695.

VINEGAR. It comes within the police power to prohibit the adulteration and artificial coloring of vinegar. *Weller vs. State*, 85 Ohio L. 259.

OLEOMARGARINE LAWS. It is within the scope of the legislature to regulate the sale. *Bainbridge vs. State*, 30 Ohio St. 264.

OLEOMARGARINE. DEFINITION. The definition of Oleomargarine as any substance not pure butter of not less than 80 per cent of butter fats, which is made as a substitute for, in imitation of, or to be used as butter, does not cover an article of pure butter made from the cream and milk of cows, without foreign substance of any kind, but which according to a chemical analysis contains less than 80 per cent of butter fat. *Ransick vs. State*, 15 Ohio C. C. 371.

OLEOMARGARINE. Acts which prevent the manufacture or sale of any article in imitation of butter or cheese do not violate the rights of patentees. 39 Ohio St. 236, *Palmer vs. State*; 48 Amer. Rep. 429.

OLEOMARGARINE. A law against the manufacture and sale of oleomargarine in this state which contains any coloring matter does not deprive a corporation engaged in its manufacture of its property without due process of law, even though the statute authorizes coloring matter to be used in the butter. *State vs. Capital City Dairy Co.*, 62 Ohio St. 350, 22 S. Ct. 120.

COLORING MATTER. A justice of the peace has jurisdiction over the offense of introducing coloring matter into oleomargarine. *State vs. Ruedy*, 57 Ohio St. 24.

OLEOMARGARINE AND BUTTER. Butter made from pure milk, though it be deficient in butter fats, is not intended to come under the provisions of the Act of May 16, 1894, regarding oleomargarine, and defining it to be a substance not pure butter and containing less than 80 per cent butter fats. *State vs. Ransick*, 62 Ohio St. 283.

OLEOMARGARINE. A juror is entitled to his fees as provided by the Rev. Statutes, Sec.

5182, to be paid by the treasurer on warrant of the auditor in a prosecution for a violation of the law against selling oleomargarine without displaying a placard that it is kept for sale. *State, Ward, vs. Akins*, 18 Ohio C. C. 19.

STATUTORY AND MUNICIPAL REGULATIONS. An ordinance providing that no person shall sell milk in a city without a permit from its acting board of health and authorizing examination and inspection of milk sold in the city, the places where produced, and the cattle producing it, and prescribing regulation regarding the health of employes, etc., is a health ordinance exclusively, and within Rev. St. §1692, par 24, providing for boards of health. *Walton vs. City of Toledo*, 23 Ohio Cr. Ct. R. 547.

Rev. St. §2669, providing that nothing therein contained shall be construed to limit the powers conferred on cities under §1692, among which are those relating to boards of health, renders the former section inapplicable to an ordinance providing for sale of pure milk, and imposing a fee of one dollar on each wagon, whether or not such fee be denominated a license. *Walton vs. City of Toledo*, 23 Ohio Cr. Ct. R. 547.

An ordinance requiring inspection of milk, milch cows, stables where kept, etc., for the purpose of securing the sale of pure milk, is not burdensome to the producer, and is not inimical to any provision of the constitution. *Walton vs. City of Toledo*, 23 Ohio Cr. Ct. R. 547.

PURITY AND QUALITY. The mere fact that a fee of one dollar is charged, and a tag attached to each wagon used in selling milk in a city, before a permit to sell therein will be granted, under an ordinance to compel the sale of pure milk and requiring inspection thereof, does not constitute the permit a license, in violation of Rev. St. §2669, exempting vendors of their own products from payment of a license. *Walton vs. City of Toledo*, 23 Ohio Cr. Ct. R. 547.

PURE FOOD LAWS OF OKLAHOMA.

The Territory of Oklahoma has no pure food or dairy commission nor is any department specifically charged with the enforcement of the laws against the adulteration of food or drink; but the State Board of Health has power to condemn and cause to be destroyed such articles of food as are impure, adulterated and unfit for human consumption.

DELETERIOUS FOOD.

ARTICLE 50.

Sec. 2534. Provides any person who shall sell any kind of diseased, corrupted or un-

wholesome provisions, whether meat or drink, without making the fact known to the buyer, shall be punished by imprisonment in the county jail not more than six months, or fined not exceeding \$100.

Sec. 2535. Any person who shall fraudulently adulterate, for the purpose of sale, or offer for sale, any substance intended for food, or any wine, spirits, malt or other spirituous liquors or any other liquors intended for drink, or any candy or sweet meat, with any substance, coloring matter, or anything poisonous or deleterious to health, or any article of food

or drink that it is not just what, in its purity, it is represented to be, or who shall manufacture, sell or offer for sale, any such adulterated food, liquor, candy or sweet meat, shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding \$200, and such article shall be forfeited and destroyed.

ARTICLE 36. PUBLIC HEALTH.

Sec. 2541. Any person who shall bring or send to any other person, to be used for the manufacture of butter or cheese, or sell, furnish or supply to any person to be used in any manner whatever, any milk, drawn from a cow not in proper condition of health, or milk adulterated by any deleterious substances, or

adulterated with water or colored by any substance whatsoever, shall be punished by imprisonment in the county jail not more than thirty days, or fined not exceeding \$50, and shall be civilly liable to the party wronged in a sum not less than \$50.

Sec. 2355. Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether useful for mankind or animals, with intent to offer the same, or cause or permit it to be offered for sale as unadulterated and undiluted, and every person who fraudulently sells, keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor.

PURE FOOD LAWS OF OREGON.

The legislative assembly of this state, at the session held in 1901, enacted a law to provide against the adulteration of articles of food and drink, and to provide for its effectual administration. Under the provisions of this law a Dairy and Food Commissioner shall be elected in the month of June, 1904, and every four years thereafter. He shall have the power to appoint a deputy Dairy and Food Commissioner to assist him in the administration of the laws. The legislature has provided that during the interim from the time of the passage of said act until the election of said Dairy and Food Commissioner in 1904 the laws now in force shall be administered by the Dairy and Food Commissioner elected at the general election held in June, 1900. The Dairy and Food Commission of Oregon is constituted as follows:

J. W. Bailey, Commissioner.

H. V. Tartar, Deputy Commissioner.

A. L. Kniseley, State Chemist.

A digest of the laws on the subject of pure food legislation is as follows:

Sec. 1. Provides for the election of a Dairy and Food Commissioner at the general election in June, 1904, and every four years thereafter. His salary shall be \$1,800 per year and actual traveling expense not to exceed \$1,200 per year. He may appoint a deputy at a salary of \$900 per year. He may appoint other deputies as occasion may require and fix their compensation. He shall inspect in person or by deputy every creamery and cheese factory within this state not less than once within each year. He shall also inspect dairy herds and the methods of feeding, caring for and stabling of the

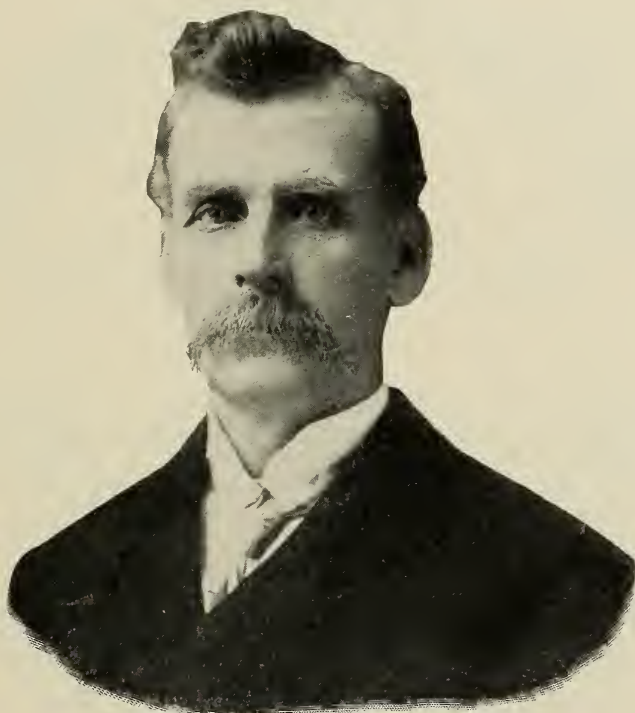
same. He shall establish his office in the city of Portland. He shall keep full and correct account of all business done by him or by his deputy and make reports to the legislature.

ADULTERATED FOOD AND MEDICINE.

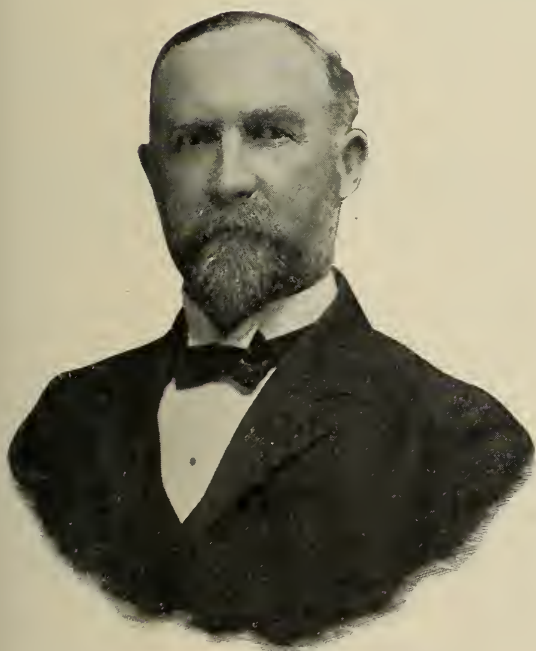
Sec. 2. Prohibits the sale or exchange of any adulterated food, drink or medicine or fertilizer unless marked with its true character so as to distinguish it from a pure article of food, drink, medicine or fertilizer. In any public dining room or eating room where such adulterated food or drinks are used the bill of fare shall state the facts in the same size type as is used in printing the body of said bill of fare, or if no bill of fare is used printed notice thereof shall be posted in a conspicuous place in said dining or eating room, so as to be easily seen by anybody entering such room, in which notice shall be stated in large letters the fact that adulterated food and drinks are being used for food or drink. It is unlawful for any person to sell re-worked butter or mixed butter unless the same is marked "process butter," and it is unlawful for any person to sell any tub or packed butter re-molded into prints or rolls or squares unless the same is plainly marked "tub butter," or for any person selling re-worked, mixed or re-modeled butter to mark or brand said butter with the stamp of any creamery or with the words "creamery butter," or to sell any diseased, unclean, impure or unwholesome food, drink or medicine of any description.

Sec. 3. An article of food or drink or medicine shall be deemed adulterated when:

(1) Any substance has been mixed with it so



HON. J. W. BAILEY,
Dairy and Food Commissioner.



DR. CHARLES WITHYCOMBE,
Director of Oregon Experiment Station.



H. V. TARTER,
Deputy Dairy and Food Commissioner.

OREGON DAIRY AND FOOD COMMISSION.



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as to reduce or lower or injuriously affect its quality or strength;

(2) If any inferior or cheaper substance has been substituted wholly or in part for it;

(3) If any valuable constituent has been wholly or in part abstracted from it;

(4) If it is an imitation of or sold under the name of another article;

(5) If it is colored, coated, powdered or polished whereby damage is concealed; or if it is made to appear better or of greater value as compared with the total solids than it really is; provided, however, that salt, annatto or butter coloring in which annatto is the principal ingredient shall not be considered as an adulteration when used in dairy products.

(6) Butter that contains more than 14 per cent of water.

(7) Milk that contains more than 88 per cent of water.

(8) Milk that contains less than 3 per cent fat.

(9) Milk that contains less than 9 per cent solids other than butter fat, or less than 1.038 specific gravity after cream has been removed.

(10) Jellies, jams and fruit sauces put up for sale that contain any other ingredient than pure fruit substances and juices.

(11) Apple cider vinegar that contains an acidity of less than 4 per cent of absolute acetic acid or $1\frac{1}{2}$ per cent cider vinegar solids, or that is made of anything else than absolute apple cider.

(12) Pickles or fruit sauces shall contain no other sweetening matter than pure sugar.

Sec. 4. Prohibits the manufacture or sale or possession with intent to sell as butter any article, product or compound made wholly or partly out of any fat, oil, oleaginous substance or compound thereof not directly or wholly produced from pure unadulterated milk or cream of the same, or colored in imitation of yellow butter produced from pure unadulterated milk or cream. This act shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloring matter or ingredients causing it to look like butter.

BUTTER.

Sec. 5. Any person who shall manufacture butter under the separator process shall apply to the Dairy and Food Commissioner for a stencil or plate with the number of the creamery and the name of the manufacturer and where manufactured, and the words "Oregon Creamery Butter; Full Weight," and on each box of butter so marked there shall be an impression from said stencil attached thereto, and

each roll or square of butter shall bear a wrapper upon which shall be the words "Oregon Creamery Butter; Full Weight," and the number of ounces in such roll or square.

CHEESE.

Sec. 6. Every person who shall, at any creamery, cheese factory or private dairy, manufacture cheese, shall at the place of manufacture brand on the bandage of every cheese or box containing same the true grade of said cheese, as follows, to-wit., "Oregon Full Cream Cheese," or "Oregon Half Skimmed Cheese," or "Oregon Quarter Skimmed Cheese," or "Oregon Skimmed Cheese," as the case may be. "Full Cream Cheese" shall contain not less than 30 per cent butter fat; cheese that contains 15 per cent butter fat and under 30 per cent butter fat shall be known as "Half Skimmed Cheese"; cheese that contains $7\frac{1}{2}$ butter fat and under 15 per cent butter fat shall be known as "Quarter Skimmed Cheese"; cheese that contains less than $7\frac{1}{2}$ per cent butter fat shall be known as "Skimmed Cheese"; provided, this section shall not apply to "Edam," "Brickstein," "Pineapple," "Limberger," "Swiss," or handmade cheese not made by the ordinary Cheddar process.

Sec. 7. Each square or roll of butter represented to contain one pound in weight shall contain full 16 ounces; or if represented to contain two pounds it shall contain full 32 ounces.

Sec. 8. Every manufacturer of cheese shall apply to the Dairy and Food Commissioner for a stencil, giving number of factory, quality or grade of cheese, the name of the manufacturer and the county in which the same is manufactured; and each box of cheese shall bear the impression from said stencil.

Sec. 9. A charge of \$1 for each stencil or plate furnished by the Dairy and Food Commissioner shall be made upon each application therefor.

Sec. 10. The Dairy and Food Commissioner shall seize any article of food, drink or fertilizer kept or sold in violation of this act until such time as such article may be analyzed; if the same be found unfit for food the Commissioner shall cause the same to be destroyed. If any article be found adulterated or labeled in violation of this act, not being unwholesome or unfit for food, the commissioner shall brand each package thereof with its true character and return same to the person from whom taken. It is unlawful for a person to remove or deface or cancel or conceal any brand or label placed by the Dairy and Food Commissioner under this section, or to sell or offer for sale any article so marked or labeled with-

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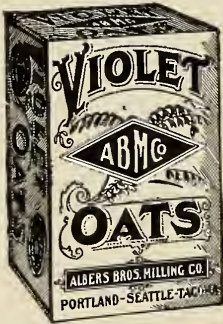
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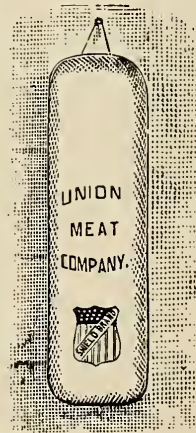
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out exhibiting such mark or label to the view of the public.

Sec. 11. The Dairy and Food Commissioner shall keep a correct list of the name and location of every person engaged in selling milk or cream in cities of 10,000 inhabitants or more, and shall number the same, and every person so engaged shall notify the commissioner of any change of management or of location in his or their dairy or creamery; and any person so engaged shall on the first day of each year apply to the commissioner for a metal plate, giving the name and location of the dairy or creamery of such person, which plate shall be placed in a conspicuous place on each delivery wagon owned or operated in the sale of milk or cream.

Sec. 12. Provides for the caring of cows and regulations to be observed by keepers of stables in which such cows are kept; also provides that the dairy and food commissioner shall notify the proprietor of any dairy if the same is found to be in a filthy or unhealthful condition that same must be put in a healthful condition within three days; any default in putting the same in said condition after said notice renders the proprietor guilty of a misdemeanor.

Sec. 13. The use of borax, boracic acid or salicylic acids or injurious antiseptics in the manufacture of butter for sale, or milk or cream offered for sale is prohibited.

VINEGAR.

Sec. 14. The sale of acid, malt, or distilled vinegar colored to resemble apple cider vinegar is prohibited.

SPICES.

Sec. 15. Spices and fluid extracts sold, if not pure, shall be labeled "Adulterated," with the percentage of adulteration.

JELLIES, ETC.

Sec. 16. Jellies, jams and fruit sauces containing any other ingredient than pure fruit substances and juices shall bear but one label, which label shall truly state the percentage of the various substances contained therein, in type of equal size with any on said label.

OLEOMARGARINE.

Sec. 17. Every person who sells oleomargarine or imitation butter or imitation dairy product shall record each sale at the time thereof in a book. Said book shall state the amount sold and the name and address of the purchaser, and be open to the inspection of the Dairy and Food Commissioner or his deputy at all times.

Sec. 18. Every railroad company or other transportation company upon application of

the Dairy and Food Commissioner or his agent shall give the name and address of any shipper or consignee of any supposed diseased or unwholesome meats or foods of any kind.

Sec. 19. Every manufacturer of butter or cheese in quantities exceeding 25 pounds per week for sale shall report to the Dairy and Food Commissioner annually as follows: (1) Name and address of the manufacturer; (2) name and address of owner of cows; (3) number of pounds of milk purchased; (4) total number of pounds of milk used in the manufacture of butter and the number of pounds used in making cheese; (5) number of pounds of butter and cheese made; (6) number of pounds of butter and cheese sold. Provided the amount of butter and cheese made by any such person shall not be published if the maker requests that it shall not be done.

Sec. 20. Everything sold as a commercial fertilizer shall have attached a label containing a certificate of analysis made by a competent chemist from a fair and true sample of the substance to which such label is attached. The term "commercial fertilizer" as used in this act shall be taken to mean any and every substance imported, manufactured, prepared or sold for fertilizer or manurial purposes, except barnyard manure, lime, marl, wood ashes or plaster.

Sec. 21. The chemist of the State Agriculture College shall make analyses as required by the Dairy and Food Commissioner, and the certificate of said chemist duly signed shall be *prima facie* evidence in all courts of justice: provided, that the testing of milk and cream shall be done by the Dairy and Food Commissioner, and his certificate thereof shall be *prima facie* evidence in courts of justice.

Sec. 22. The Commissioner and experts, chemists or agents shall have access, ingress and egress to all places of business, factories, farm buildings, carriages, cars, vessels or utensils used in the manufacture, production or sale of any food, medicine or fertilizer, and they shall have power and authority to open any package, case or vessel containing such articles: and any manufacturer, dealer, hotel or restaurant keeper shall deliver to the Commissioner or his deputy samples of articles aforesaid upon a tender of the price thereof in money.

Sec. 23. Cheese offered for sale at retail shall bear a label containing letters not less than one-half inch in height, setting forth whether such cheese is "Full Cream," "Half Cream," "Quarter Cream" or "Skimmed," ac-

cording to the percentage of butter fat therein contained, as provided in section 6. This section shall not apply to Edam, Brickstein, Pineapple, Limberger, Swiss or handmade cheese not made by the Cheddar process.

Sec. 24. It is unlawful for any person to use the box, brand or label of any creamery or dairyman without the consent of the owner; it is unlawful to falsely label any article containing same; it is unlawful to sell or have in possession any article of food, drink or medicine bearing any false label or brand.

Sec. 26. It is a misdemeanor to violate this act, and upon conviction punishable by a fine of not less than \$25 nor more than \$100, or imprisonment in the county jail not less than 30 days nor more than 6 months. Justice

courts shall have concurrent jurisdiction in all cases arising under this act.

Sec. 27. Provides for the collection, maintenance and utility of the "Pure Food Fund."

Sec. 28. Milk drawn from cows 15 days next before or 5 days next after parturition, or from cows fed unwholesome food; or any calf that has been slaughtered under the age of four weeks, shall be deemed and declared unclean, impure and unwholesome.

Sec. 29. Repeals the act approved February 16th, 1899, entitled "An act to prevent the production and sale of unwholesome foods and medicines, and to regulate the sale of adulterated foods, drinks, medicines and fertilizers."

Sec. 30. Provides an emergency clause.

DECISIONS OF THE SUPREME COURT OF OREGON ON FOOD LAWS.

OLEOMARGARINE. An act which prohibits the sale of oleomargarine without having it stamped is valid. *State vs. Dunbar*, 13 Or. 591.

OLEOMARGARINE. An intent to sell, in the

absence of rebutting evidence, may be inferred from the fact of exposing oleomargarine not labeled as such upon shelves or counters with other pure butter. *State vs. Dunbar*, 13 Oregon 591.

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PURE FOOD LAWS OF PENNSYLVANIA.

In the State of Pennsylvania the Dairy and Food Division is a part of the Department of Agriculture. The Department of Agriculture is administered by the Secretary of Agriculture, who receives his appointment from the governor for a four-year term.

There shall be a Deputy Secretary appointed by the governor for four years. The governor may also appoint an Economic Zoologist, and a Dairy and Food Commissioner.

The said Dairy and Food Commissioner is charged with the enforcement of all laws enacted or that may be enacted in relation to the adulteration or imitation of dairy and food products, also liquors. He is authorized and empowered to appoint and fix the compensation of such assistants, agents, experts, chemists, detectives and counsel as may be deemed by him necessary for the proper discharge of the duties of his office, and for the discovery and prosecution of violations of the laws.

The staff of the Dairy and Food Division is as follows:

N. B. Critchfield, Secretary of Agriculture.
Dr. B. H. Warren, Dairy and Food Commissioner, West Chester, Pa.

Oliver D. Schock, Assistant Dairy and Food Commissioner, Hamburg, Pa.

Etta M. Kremer, Chief Clerk, Philadelphia, Pa.

H. G. Durbrow, Clerk, Oxford, Pa.
May V. Rhone, Clerk, Centre Hall, Pa.
Mary E. Seaman, Stenographer, Harrisburg, Pa.

Ross R. Seaman, Messenger, Harrisburg, Pa.
The following are the division agents:

James Foust, Division Agent, Altoona, Pa.
H. L. Banzhoff, Division Agent, Pittsburg, Pa.

R. M. Simmers, Division Agent, Phoenixville, Pa.

W. J. Barton, Division Agent, Philadelphia, Pa.

ATTORNEYS.

S. J. M. McCarrell, Attorney, Calder Building, Harrisburg, Pa.

Charles L. Brown, Attorney, West End Building, Philadelphia, Pa.

C. B. Witmer, Attorney, Sunbury, Pa.

T. Carlisle Moore, Attorney, Bakewell Building, Pittsburg, Pa.

SPECIAL AGENTS.

A. D. Gould, Special Agent, Eldred, Pa.

J. R. Lehman, Special Agent, Warriors Mark, Pa.

James McGregor, Special Agent, Indiana, Pa.

E. D. Miller, Special Agent, Pittsburg, Pa.

E. D. Wilcox, Special Agent, Pittsburg, Pa.

J. M. Hale, Special Agent, Jenkintown.

T. B. Thomas, Special Agent, Philadelphia, Pa.

J. M. Hurst, Special Agent, Camptown, Pa.

G. L. Smith, Special Agent, Philadelphia, Pa.

J. H. Venn, Special Agent, Shamokin, Pa.

R. N. Thomas, Special Agent, West Chester, Pa.

W. A. Hutchinson, Special Agent, Jeanette, Pa.

CHEMISTS.

Dr. F. T. Aschman, 305 McCance Block, Pittsburg.

Prof. C. B. Cochran, 514 S. High st., West Chester.

Prof. A. H. Welles, 6335 Quincy ave., Scranton.

Prof. W. H. Dean, Bucknell University, Lewisburg, Pa.

PURE FOOD LAW.

Act of June 26, A. D. 1895.

1.—The manufacture, sale, offering for sale or selling adulterated food is prohibited.—Sec. 1.

2.—The term "food" as used in this act shall include all articles used for food or drink by man, whether simple, mixed or compound.—Sec. 2.

3.—An article shall be deemed to be adulterated within the meaning of this act—

(a) IN THE CASE OF FOOD:

(1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity.

(2) If any inferior or cheaper substance or substances have been substituted, wholly or in part, for it.

(3) If any valuable or necessary constituent or ingredient has been, wholly or in part, abstracted from it.

(4) If it is an imitation of, or is sold under the name of, another article.

(5) If it consists, wholly or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or in case of milk, if it is the product of a diseased animal.

(6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is.

President, W. J. McCAHAN

Secretary, W. J. McCAHAN, Jr.

Treasurer, R. S. POMEROY

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(7) If it contains any added substance or ingredient which is poisonous or injurious to health: Provided, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles, or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, and are not injurious to health.—Sec. 3.

RENOVATED BUTTER.

Act 10th of July, A. D. 1901.

1.—“Taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with milk or skimmed milk or other material, and by emulsion, or other process, produce butter, and butter produced by any similar process and commonly known as boiled or process butter, shall be known and designated as “Renovated Butter.”—Sec. 1.

2.—Persons desiring to engage in the business of manufacturing or selling renovated butter are required to take out a license, to be issued by the Dairy and Food Commissioner.—Sec. 2.

3.—All licenses expire December 31st of each year. Licenses may be issued for a portion of a year upon payment of a proportionate part of the license fee.—Sec. 2.

4.—The license fee for twelve months is for a

Manufacturer	\$1,000
Wholesale dealer.....	500
Retail dealer.....	100
Restaurant, dining-room or hotel proprietor.....	50
Boarding house keeper.....	10

—Sec. 2.

5.—Wholesale dealers are all persons who sell in packages of ten (10) pounds or over.—Sec. 2.

6.—Retail dealers are all persons who sell in quantities of less than ten (10) pounds.—Sec. 2.

7.—Hotel and dining room proprietors and restaurant and boarding house keepers are regarded as dealers.—Sec. 2.

8.—The license is for a specified location and must be exposed to view in a conspicuous place.—Sec. 2.

9.—Renovated butter cannot be sold from wagons on the streets or from house to house.—Sec. 3.

10.—A sign or signs must be displayed, setting forth that Renovated Butter is manufactured or sold and posted in a conspicuous place.—Sec. 4.

11.—A placard also must be placed in a conspicuous place on every counter or table where meals are served to customers, by every res-

taurant or boarding house keeper or hotel or dining room proprietor, stating that “Renovated Butter” is used or served to customers.—Sec. 4.

12.—A stencil to be furnished by the Dairy and Food Commissioner, to every manufacturer and wholesale dealer in renovated butter, giving the number of the license and the name and address of the holder thereof, shall be used in stamping every package before being sold by the manufacturer or wholesale dealer to the retailer.—Sec. 4.

13.—Every tub, package or parcel containing renovated butter shall be distinguished on the outside, in a conspicuous place, by a placard with the words “Renovated Butter” in letters not less than one-half inch long, and the placard shall not contain any other words, printing or device thereon.—Sec. 5.

14.—Upon every open tub or package shall also be displayed a sign or placard, with the words “Renovated Butter” printed thereon in letters not less than one-half inch long, and when renovated butter is sold from such package, before being delivered to the purchaser, it shall be wrapped in a wrapper plainly stamped on the outside thereof with the words “Renovated Butter” in letters one-fourth inch square, and the wrapper shall contain no other words or printing thereon, and the words shall be kept in plain view.—Sec. 5.

15.—Manufacturers and wholesale dealers in renovated butter shall keep a book in which every sale and shipment shall be entered, giving the quantity and person to whom sold and shipped, the place to which shipped and the name of the transportation line by which shipped, which book shall be open to examination by the Dairy and Food Commissioner, his agents, attorneys and representatives.—Sec. 6.

16.—Retail dealers also shall keep a book, which shall be open to the inspection of the Dairy and Food Commissioner, or his agents, in which shall be entered the date of the receipt of all purchases of renovated butter made by him, and stating where, and from whom purchased, and the quantity.—Sec. 6.

VINEGAR.

Act of June 18, A. D. 1897.

Amended May 21, A. D. 1901.

1.—Vinegar sold as “apple” or “cider” vinegar must be the legitimate product of pure apple juice. No foreign substance, drugs or acids can be introduced.—Sec. 1: Act 21st May, 1901.

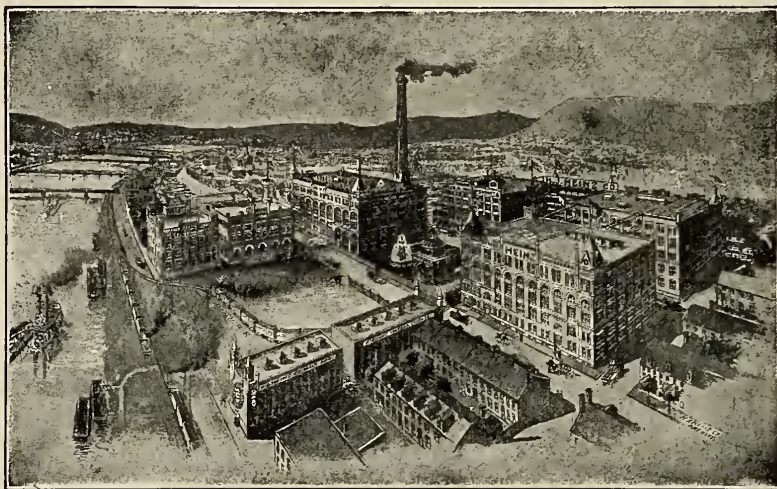
2.—Vinegar branded “Fruit Vinegar” must be made wholly from grapes, apples or other fruits.—Sec. 1: Act 21st May, 1901.

3.—Vinegar made by “fermentation” or “oxidation” not distilled shall be branded “fer-

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PITTSBURGH, U. S. A.

mented vinegar," with the name of the fruit or substance from which it is made.—Sec. 2; Act 21st of May, 1901.

4.—Vinegar made wholly or in part from distilled liquor must be branded "distilled vinegar."—Sec. 2; Act 21st of May, 1901.

5.—Distilled vinegar must be free from coloring matter and must contain not less than four per centum, by weight, of absolute acetic acid.—Sec. 2; Act 21st of May, 1901.

6.—All vinegar must be made from the fruit or grain from which it is represented to be made and shall contain no foreign substance, except an amount of spice necessary for flavoring, provided the spices do not color the vinegar.—Sec. 2; Act 21st of May, 1901.

PART III.

FOOD DEFINITIONS AND STANDARDS. MEAT.

1.—Meat is the dressed and properly prepared edible parts of animals, in good health at the time of slaughter, and of the kind designated.

2.—Refrigeration is the only method of preservation allowable for fresh meats.

3.—Canned meats shall contain no preservative other than salt, sugar and saltpetre, except smoked meat, which contain the products added by the process of smoking.

4.—Pickled and salted meats shall contain no preservatives other than salt, sugar saltpeter, vinegar, spices or other condiments.

5.—Sausage must be prepared from meat of the quality above indicated, and must contain no preservatives other than sugar, salt, saltpeter, smoke and condiments; artificial color must not be introduced without notice of the fact.

6.—Meat extracts must be true to name. No antiseptic, other than salt, may be used.

MILK AND BUTTER.

1.—Milk is the normal secretion, taken by complete milking from the udder of a healthy cow, properly fed and kept. Colostral milk is excluded.

2.—Cream shall contain not less than 15 per centum of butter fat.

3.—Skim milk, except in cities for which a different standard has been established by law, shall contain not less than 8.5 per centum of total solids not fat, and shall be free from all kinds of additions.

4.—Buttermilk. The acid fluid of milk or cream left after the removal of the butter fat by churning. It must be free from preservatives other than the salt employed in the manufacture of butter.

5.—Condensed milk shall be prepared from pure and wholesome normal milk, by removal

of water by evaporation; sugar may be added, but no other substances.

6.—Butter must contain not less than 83 per centum of butter fat.

FRUIT PREPARATIONS.

1.—Fruit butter must be prepared wholly from the designated fruit without addition of any substance other than cider, glucose or cane sugar and spices.

2.—Fruit preserves, jams, marmalades and jellies must be prepared from the designated fruits and cane sugar, with or without the addition of glucose, but without the addition of any other substance.

3.—Fruit juice, fresh, is the juice, or pulp, or both, of fresh, sound fruit of the variety specified on the label, without addition of any other substance.

4.—Fruit juice, sweet, is fresh fruit juice to which sugar or glucose has been added.

SWEETENING PRODUCTS.

1.—Molasses is that part of the cane juice, or sugar solution, that is left upon the removal of part of the sugar. It must contain no added substance.

2.—Syrup is the purified or evaporated juice of the cane or maple sap, insufficiently evaporated to cause crystallization of the sugar. It must contain no added substance.

3.—Glucose is the solid, sweet, purified substance obtained by the action of acid on starch. It must be free from intermediate products.

4.—Glucose syrup is syrup obtained by the action of acid on starch.

5.—Honey is the nectar of flowers and saccharine exudations of plants, gathered by bees. Honey made by feeding bees sugar, glucose, syrup or other saccharine substances is not considered pure honey. The mixing of sugar, syrup, glucose or other similar substance with honey is considered an adulteration.

SPICE AND CONDIMENTS.

1.—Allspice or pimento is the dried fruit of *Pimenta officinalis*.

2.—Black pepper is the dried, immature berry of *Piper nigrum*. Pepper shells, pepper dust and other by-products from pepper are adulterants.

3.—White pepper is the dried mature berry of *Piper nigrum*, from which the outer, or the outer and inner coatings have been removed.

4.—Cayenne pepper, red pepper, is the dried fruit of *Capsicum fastigiatum*, *C. frutescens*, *C. baccatum* or other small-fruited species of *Capsicum*.

5.—Cinnamon is the dried bark of any species of the genus *Cinnamomum*, from which the outer layers may or may not have been removed.

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6.—Ground cinnamon or ground cassia: A powder consisting of cinnamon, cassia buds or a mixture thereof.

7.—Cloves are the dried flower buds of *Jambosa caryophyllus*; should contain no more than 5 per cent of clove stems.

8.—Ginger is the washed and dried or decorticated and dried rhizome of *Zingiber officinale*. Ground ginger shall not contain any added substance, but whole ginger coated with carbonate of lime may be sold as limed or bleached ginger.

9.—Horseradish, the root of *Cochlearia armoracia*; the grated or ground horseradish may be mixed with vinegar, but with no other foreign material.

10.—Mace is the dried arillus of *Myristica fragrans*; Macassar or Papua mace the dried arillus of *M. argeneta*, should be sold under its own name; Bombay mace, *M. Malabarica*, has no spice value and is therefore an adulterant.

11.—Mustard seed, the seeds of *Sinapis alba* (white mustard). *Brassica nigra* (black or brown mustard). *S. juncea* (sarepta mustard).

12.—Mustard: Ground, is the powdered mustard seed of one or more varieties, with or without the removal of the hulls and a portion of the oil, but without addition of any other substance.

13.—Nutmeg is the dried seed of *Myristica fragrans*, deprived of its testa; ground nutmegs should contain no added substance; "liming" whole nutmegs is not to be considered an adulteration.

FLAVORING EXTRACTS.

1.—Lemon extract shall contain at least five per centum of the pure oil of lemon dissolved in alcohol.

2.—Vanilla extract is the solution prepared by the maceration of the vanilla bean with alcohol and sugar.

TABLE BEVERAGES.

1.—Tea is the dried leaves of *Thea sinensis* or other species of *Thea*, without addition of the leaves of other plants or of coloring materials injurious to health, and without having been exhausted by steeping or other means.

2.—Coffee is the fruit of *Coffea arabica*. "Roasted coffee" is coffee that has been subjected to dry heat to develop the aroma.

3.—Chocolate is the ground pulp of the roasted seeds of *Theobroma cacao*, from which none of the fat has been removed.

4.—Cocoa is the ground pulp of the roasted seeds of *Theobroma cacao*, from which a part of the fat has been removed, but to which nothing except the usual flavoring material has been added.

5.—The addition of sugar to either chocolate or cocoa should be indicated on the label.

ADULTERATION OF FOOD. SESSION LAWS OF 1903.

Sec. 1. Be it enacted, etc. That any person, firm or corporate body who shall by himself, herself or themselves, or by his, her or their agent or servants manufacture, sell, ship consign, offer for sale, expose for sale, or have in possession with intent to sell, any article of food which contains formaline, formaldehyde, sodium fluoride or any of their compounds shall be deemed guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions of the peace of the proper county, shall be sentenced to pay a fine of not less than \$50 nor more than \$100 or to undergo an imprisonment not exceeding sixty days or both at the discretion of the court.

Sec. 2. That any person, firm or corporate body, who shall by himself, herself, or themselves, or by his, her or their agent or servants, manufacture, sell, ship, consign, offer for sale expose for sale, or have in possession with intent to sell, any article of food, which contains more than one-half of one per cent boracic acid, boracic acid salt, or any boron compound expressed in terms of boracic acid salt, shall be deemed guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions of the peace of the proper county, shall be sentenced to pay a fine of not less than \$50 nor more than \$100, or to undergo an imprisonment not exceeding sixty days or both at the discretion of the court. Provided, however, that nothing in this section contained shall in any way alter or affect existing laws regulating the sale of milk or cream or butter.

Sec. 3. Any person, firm or corporate body who shall by himself, herself or themselves, or by his, her or their agents or servants, manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, any article of vegetable food containing any coloring matter yielding on analysis more than one-fifth of one per cent of metallic copper, shall be deemed guilty of a misdemeanor, and upon conviction there in the court of quarter session of the proper county shall be sentenced to pay a fine of not less than \$50 nor more than \$100 or by imprisonment in the jail of the county for not exceeding sixty days, or both, at the discretion of the court.

Sec. 4. It shall be the duty of the Dairy and Food Commissioner to enforce the provisions of this Act, for which purpose he shall have the same power which is given him to enforce the provisions of the Act authorizing his appointment.

Sec. 5. All penalties or fines which may be recovered in any proceeding to enforce the provisions of this Act, shall be paid to the Dairy and Food Commissioner or his agent and by him paid into the State Treasury, and the

money so paid shall constitute a special fund for the use of the Department of Agriculture in enforcing this Act and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General. Approved the 27th day of April, A. D. 1903.

DECISIONS OF THE SUPREME COURT OF PENNSYLVANIA ON FOOD LAWS.

ADULTERATION is "to corrupt, debase, or make impure by the admixture of baser materials." *Com. vs. Hough*, 1 Pa. Dist. Rep. 51.

IMPURE FOOD AND DRINK. Under the law which makes it criminal to sell impure food or drink, an indictment cannot be had for selling milk to which water is added. *Com. vs. Darlington*, 9 Pa. Dist. R. 700.

It is not a defense that the defendant sold the milk as condensed milk. Same.

IMITATION ARTICLES. It is unlawful to sell an article of food which is an imitation of and sold under the name of another article contrary to the statute in such case provided, even though the imitation article is not adulterated nor injurious to health. *Com. vs. Kolb*, 13 Pa. Super. Ct. 347.

CHEESE. Dealers must comply with the statute which requires that all cheese shall be branded with the name and address of the manufacturer and the kind of cheese it is, and that the lettering must be the required size, unless the cheese is not large enough, in which case the writing must be plain and clear. 6 Pa. Dist. Rep. 689.

CHEESE. A dealer in cheese manufactured out of the state may under the Act of 1897 brand the same with his name as dealer and his address and place of business, in view of the impossibility of always ascertaining the manufacturer's name and address. *Cheese Law (Attorney General)*, 20 Pa. Co. Ct. 61.

CHICORY. Coffee adulterated by the addition of chicory, wheat, rye or peas is not an ordinary article of food within the meaning of the statute against the adulteration of food or mixtures of compounds recognized as ordinary articles of food. *In re Stephens and Wilder*, 5 Pa. Dist. Rep. 104.

LIQUORS. Where liquors are impure or have been adulterated or their value impaired in the least no recovery can be had for the sale of the same. *Clohesy vs. Roedelheim*, 99 Pa. St. 56.

MILK. PROSECUTIONS. Prosecutions for the violation of the Act of 1878 prohibiting adulteration of milk belongs only to the court of Quarter Sessions and a Justice of the Peace has

no jurisdiction thereunder. *Com. vs. May*, 27 Pa. Co. Ct. Rep. 546.

SKIMMED MILK. Cans or vessels from which it is sold must be labeled as such in letters not less than one inch long. *Com. vs. Hough*, 1 Pa. Dist. Rep. 51.

WATERED MILK. In a prosecution for selling watered milk unlawfully it is not necessary to show by direct evidence that the defendant watered the milk in order to sustain a conviction. *Com. vs. Darlington*, 9 Pa. Dist. R. 700.

SKIMMED MILK. A person cannot be convicted for selling adulterated food who sells milk plainly marked as skimmed milk, but which has been deprived of its cream by the separator process instead of by the modes of skimming. *Com. vs. Haufnal*, 185 Pa. 376.

OLEOMARGARINE. It is a valid exercise of the police power to prohibit its manufacture or sale. *Powell vs. Com.* 114 Pa. St. 268; *Com. vs. Shirley*, 152 Pa. St. 170.

OLEOMARGARINE. The sale of oleomargarine from a broken package, imported into the state, is a violation of the statute prohibiting the manufacture or sale of oleomargarine. *Com. vs. Paul*, 148 Pa. St. 559.

OLEOMARGARINE. The act of May 5th, 1891 (P. L. 241), regarding oleomargarine is held to be constitutional. *Com. vs. McCann*, 14 Pa. Super. Ct. 221.

OLEOMARGARINE. The act of May 5th, 1899 (P. L. 241), regarding the manufacture and sale of oleomargarine does not contravene the constitution. *Com. vs. Diefendacher*, 14 Pa. Super. Ct. 264.

OLEOMARGARINE. It is held that under the act of 1899 butter may be colored yellow, but oleomargarine may not be so colored; and that the intention of the legislature is to regulate the manufacture and sale of oleomargarine and prohibit the imitation of yellow butter by mixing substances with oleomargarine during or after its manufacture. *Com. vs. Vandyke*, 13 Pa. Super. Ct. 484.

OLEOMARGARINE. The act of 1899 (Pub. Laws 241) is not unconstitutional as abridging the privileges of communities of citizens of the

United States. It does not deny to all persons the equal protection of the laws. It does not deprive a person of his property without due process of law. It does not contravene the constitutional right of acquiring and possessing property. *McCann vs. Com.* 198 Penn. 509.

OLEOMARGARINE. FINE. Defendant was charged under two indictments with illegal sales of oleomargarine under the act of May 5th, 1899 (P. L. 241). The first charged an offense committed on June 3rd, 1900; and the second charged an offense committed on July 6th, 1900. Held, that the court could not impose imprisonment under the first indictment and a fine under the second indictment, but that under the law the first offense should be punished by a fine and the second by a fine and imprisonment. *Com. vs. Fink*, 16 Penn. Super. Ct. 191.

OLEOMARGARINE. Where the habitual sale of imitation butter has been admitted, evidence of the good character of the defendant cannot be admitted to create a doubt as to the conceded sale. *Com. vs. Kolb*, 13 Pa. Super. Ct. 347.

OLEOMARGARINE. An agent, without the knowledge of his principal, solicited an order for oleomargarine. The principal shipped the oleomargarine colored in imitation of pure butter in the name of the purchaser, but in care of the agent and without the agent's knowledge that it was so colored in imitation of pure butter. Held, that the agent could not be convicted of selling oleomargarine, since he had no chance to examine the package and tell whether it was colored or not and had a right to presume that the principal would comply with his order, and had no reason to suspect that he would send adulterated goods. *Com. vs. Richards*, 16 Montg. Co., L. R. 176 (Penn.)

OLEOMARGARINE. RESTAURANT KEEPERS. In order that a restaurant keeper shall become subject to the penalty provided in the Act of 1885 for furnishing oleomargarine to customers with their meals, it is not necessary that a specific price be placed upon the oleomargarine distinct from that charged for the rest of the meal. *Com. Alleghaney Co. vs. Hendley*, 7 Pa. Super. Ct. 365.

OLEOMARGARINE. Furnishing oleomargarine as part of a meal ordered by a customer is sufficient to convict a restaurant keeper of the

sale of oleomargarine under the act of 1885. *Com. vs. Miller*, 131 Pa. State 118.

OLEOMARGARINE. A grocer in Philadelphia had a license to sell oleomargarine and sent his agents into M. county to take orders. The orders were sent to Philadelphia and accepted and the goods were shipped in care of the agent to the customers, but in the customer's name. The agent took the goods from the railroad and delivered them to the customer. Held, that the defendant could not be convicted of selling oleomargarine in the county without a license and that the sale was made in Philadelphia. *Com. vs. Gardner*, 16 Montg. L. R. 171 (Penn.).

OLEOMARGARINE. Under the act of 1885 it must be shown that the oleomargarine was sold as an article of food. If it was sold for some other purpose, such as wagon grease, it is not a violation of the law. *Com. vs. Schollenberger*, 153 Pa. State, 625; *Com. vs. Callahan*, 1 Pa. Dist. Rep., 437.

RASPBERRY SYRUP. In a prosecution for the sale of a pint of raspberry syrup alleged to contain salicylic acid the court would not admit evidence as to whether the salicylic acid was poisonous or injurious to health, though it was charged to be poisonous and injurious to health, and instructed the jury that if salicylic acid was present in any quantity they might find the defendant guilty. The defendant was found guilty. This was under the law regulating the sale of adulteration of food and drink.

The verdict was sustained, although the court was equally divided. *Com. vs. Kevin*, 1 Penn. Super. Ct. 414.

ILLEGAL SALE OR USE OF OLEOMARGARINE. A person may be convicted of selling oleomargarine unlawfully colored in imitation of butter, in violation of Act of May 5th, 1899 (P. L. 241), where it appears that he solicited orders for the article and received pay for the same at the time the orders were given; that he sent the orders, together with the money, to a manufacturer in another state; that the manufacturer packed the several parcels ordered in one crate or box, and addressed and sent the same to the dealer as "agent"; and that the latter distributed the parcels to the several persons who had ordered them. *Commonwealth vs. Leslie*, 20 Pa. Super. Ct. 529.

PURE FOOD LAWS OF RHODE ISLAND.

The Pure Food Laws of the State of Rhode Island are to be found under the head of Public Health Laws, Chapters 68, 138, 146, 147, 148, Sec. 6 of Chapter 98, Sections 4, 5 and 6 of Chapter 151 and Sec. 10 of Chapter 152, Revised Statutes of Rhode Island. The manner of their enforcement, except where the same come within the jurisdiction of two factory inspectors appointed by the governor, is entirely a subject of local regulation. Under these laws municipal boards are granted authority to provide for the inspection of articles of food and for the ingredients that enter into the production thereof. The factory inspectors appointed by the governor are charged with the prosecution of all violations against the chapters designated as above noted.

The present board of health consists of the following members:

Albert G. Sprague, M. D., President.
 Samuel M. Gray, C. E.
 Alexander B. Briggs, M. D.
 Rev. George L. Locke.
 John C. Budlong, M. D.
 Rufus E. Darrah, M. D.
 Gardner T. Swarts, M. D., Secretary.

A DIGEST OF THE LAWS PROVIDING AGAINST ADULTERATION OF FOOD STUFFS IS AS FOLLOWS:

MILK.

Sec. 1. Milk shall be sold by wine measure, to be sealed by the sealer of weights and measures of the town where the person using the same shall reside, or where such milk shall be measured for use. Every person violating this section shall forfeit \$10 for each offense.

Sec. 2. The mayor and aldermen of any city and the town council of any town may annually elect one or more inspectors of milk therein. Every inspector shall give notice of his election by publishing notice thereof for two weeks in some newspaper published in the town or city for which he shall be appointed, or in case no newspaper is published therein, by posting such notice in two of the most public places in such city or town; provided, the mayor and aldermen of the city of Providence shall annually in the month of August elect such inspectors of milk and may fill vacancies.

Sec. 3. Every inspector of milk shall have an office and book for the purpose of recording the names and places of business of persons engaged in the sale of milk within the limits of his town. He may enter any place where milk is kept for sale or stored and examine all carriages used in the conveyance thereof, and

whenever same appears adulterated he shall cause it to be analyzed and preserve the record of such analysis as evidence; a certificate of the result sworn to by the analyst shall be admissible as evidence in prosecutions. The mayor and aldermen shall fix the compensation of the inspectors.

Sec. 4. Whenever the inspectors of milk shall have reason to believe that any adulterated product of food is being sold or kept for sale contrary to law, they shall take at least two specimens as samples thereof, which, if solids, shall not exceed in weight one pound each, or, if liquid, not to exceed in measure one pint each. Samples shall be taken in the presence of the owner or his agent, and be sealed and labeled in the presence of said owner or agent, said labels to state the kind of provision or food and the name of the seller. Said inspector shall then deliver one of said samples to such owner or agent.

Sec. 5. Any milk dealer who shall neglect to cause his name and place of business to be recorded in the inspector's book, and his name to be legibly and conspicuously placed and constantly kept upon all carriages and vehicles used in the conveyance of milk or in the sale thereof: and whoever being engaged in the business of selling milk and conveying the same for sale shall neglect to renew such record annually between the first day of February and the first day of March, shall forfeit \$20 for the first offense and \$50 for each subsequent offense. And whoever offers for sale milk produced from cows fed upon refuse of distilleries, or any substance deleterious to the quality of the milk, or milk produced from sick or diseased cows, shall be fined \$20 for the first offense, and \$50 for each subsequent offense; and whoever, in the employment of another, violates this section shall be held equally guilty with the principal.

Sec. 6. Prohibits the sale or exchange of adulterated milk or milk into which water or any foreign substance has been added.

Sec. 7. Every person who shall sell, exchange or deliver milk from which the cream or any part thereof has been removed, or which shall not contain $2\frac{1}{2}$ per cent of milk fat, shall distinctly mark in letters not less than one inch in length in a conspicuous place above the center and upon the outside of each vessel, can or package containing such milk, the words "skimmed milk," and such milk shall only be sold or retailed out of the can, vessel or package so marked.

Sec. 8. In all prosecutions under sections 6 and 7 of this chapter if the milk shall be shown upon analysis to contain more than 88 per cent of watery fluids, or to contain less than 12 per cent of milk solids, or less than $2\frac{1}{2}$ per cent of milk fat, it shall be deemed adulterated.

Sec. 9. For a violation of sections 6, 7 and 8 the penalty is for the first offense \$20, and for each subsequent offense \$20 and imprisonment in the county jail for 10 days.

Sec. 10. Every inspector of milk shall institute complaints on the information of any person producing satisfactory evidence.

Sec. 11. Every inspector of milk shall cause the provisions of this chapter to be published in his town at least three times in some newspaper published in said town, or some newspaper in the county in which the town is situated.

Sec. 12. Every inspector of milk shall cause the name and place of business of all persons convicted under this chapter to be published in two newspapers published in the town or county where the offense shall have been committed.

Sec. 13. Any chief of police or inspector of milk or special constable as the town council or board of aldermen of any town or city may appoint may make complaints and prosecute for violations within the town or city wherein they are appointed or elected of the provisions of this chapter.

CHAPTER 138.

SALERATUS, SODA AND CREAM OF TARTAR.

Sec. 1. The city council of Providence shall, and the town council of the several towns may, appoint an inspector of saleratus, bicarbonate of soda and cream of tartar for said cities and towns respectively.

Sec. 2. Every inspector shall whenever requested test any article presented to him for inspection, and shall give his certificate to any person applying therefor whether said article be impure or adulterated and for every such certificate he shall be entitled to the sum of \$12.

Sec. 3. Every inspector shall whenever requested make an analysis of any such article which may be presented to him for that purpose, and shall give his certificate to any person who shall apply therefor of the result of such analysis, for which certificate he shall be entitled to the sum of \$10.

Sec. 4. Every person who shall sell saleratus, bicarbonate of soda, or cream of tartar which has been adulterated and thereby rendered an impure article, shall be fined \$20 together with the costs of testing and analyzing such impure article; one-half of said fine to the use of the city or town where the sale shall

be made, and one-half thereof, together with the costs of testing and analyzing such impure article, to the use of the person who shall sue for the same.

CHAPTER 146.

BUTTER, POTATOES, ONIONS, BERRIES, NUTS AND SHELLLED BEANS.

Sec. 1. Every person who shall make or bring into the state any butter firkins or tubs shall brand or mark each one of the same with the weight thereof and with the initial letters of his name, in a plain and durable manner before offering the same for sale.

Sec. 2. Prohibits the sale of butter not branded or marked as aforesaid.

Sec. 3. Every person who shall sell butter before the same shall be branded or marked as herein required or in any firkin or tub which shall weigh more than marked or branded on it, allowing two pounds additional for the brine absorbed by the same, shall forfeit \$5, unless there be a special contract concerning the kind, quantity and quality of the article sold.

Sec. 4. Every person who shall sell any article or substance in semblance of butter not the legitimate product of the dairy and not made exclusively from milk and cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon the top and sides of every tub, firkin or box or package of such article or substance the word "Oleomargarine" in letters at least one-half inch in length. In the case of retail sale of such article or substance in parcels the dealer shall in all cases deliver therewith to the purchaser a written or printed label bearing the plainly written or printed word "Oleomargarine," and every sale of such article or substance not so stamped, branded, marked or labeled shall be unlawful; and no action shall be maintained in any of the courts of the state to recover on any contract for sale of any such article or substance not so stamped, branded, marked or labeled.

Sec. 5. Provides a penalty for a violation of this chapter of a fine of \$100 for each offense; one-half thereof to the use of the complainant, and one-half thereof to the use of the state; on the trial of such offense proof of the sale or offer for sale or of exposure for sale shall be evidence of knowledge of the character of the article sold, offered for sale or exposed, and of knowledge that the same was not marked, branded, stamped or labeled as required by this chapter.

Sec. 6. In the sale of potatoes by weight the

same shall be estimated at and after the rate of 60 pounds per bushel.

Sec. 7. In the sale of onions and of all other root crops the same shall be estimated at and after the rate of 50 pounds per bushel.

Sec. 8. Nuts and shelled beans and all kinds of berries whenever sold by measure shall be sold by dry measure. Any person who shall sell nuts or shelled beans or any kind of berries by any measure other than dry measure shall be fined not exceeding \$20, one-half thereof to the use of the town or city in which the offense shall have been committed, and one-half thereof to the complainant.

CHAPTER 148.

VINEGAR.

Sec. 1. No person shall sell, exchange, or have in his possession as cider vinegar any adulterated vinegar, or label, brand or sell as cider vinegar and vinegar not made exclusively from apple cider.

Sec. 2. All vinegars shall be without artificial coloring matter, and shall have an acidity equivalent to the presence of not less than $4\frac{1}{2}$ per cent by weight of absolute acetic acid, and in cases of cider vinegar shall contain in addition not less than 2 per cent by weight of cider vinegar solids upon full evaporation at the temperature of boiling water; and if any vinegar contains any artificial coloring or less than the amount of acidity, or in the case of vinegar if it contains less than the above amount of acidity or of cider vinegar solids, it shall be deemed to be an adulteration within the meaning of this chapter.

Sec. 3. Inspectors of milk or such other officers as town councils may appoint shall make complaint for all violations of this chapter, and shall not be required to give security for costs; and for the services required of them shall receive compensation to be fixed by the council; compensation of inspectors of milk to be fixed at a sum not exceeding 25 cents for each barrel, and to be paid by the person having such inspection made.

Sec. 4. Every inspector or other officer appointed as hereinbefore provided may enter any place where vinegar is stored or kept for sale, and examine all carriages used in the conveyance of vinegar; and whenever he has reason to believe any vinegar found by him has been adulterated he shall take specimens thereof for analysis and the result of such analysis shall be preserved as evidence. A certificate of such result sworn to by the analyst shall be admissible in evidence in all prosecutions hereunder.

Sec. 5. Provides a fine not exceeding \$100 for a violation of the provisions hercof.

CHAPTER 151.

LIQUORS.

Sec. 4. No person shall sell any impure or adulterated spirituous or intoxicating liquors, nor shall any person sell or keep for sale any liquors of quality inferior to what the same are represented to be.

Sec. 5. Provides that any person violating the preceding section shall be fined not less than \$100 nor more than \$300 or be imprisoned in the state work house or house of correction for a period not exceeding three months.

Sec. 6. Every person offering for sale or selling any spirituous or intoxicating liquors adulterated with any poison or deleterious ingredients injurious to health shall be fined not less than \$300 nor more than \$500 or be imprisoned in the state work house or house of correction for not less than 3 months nor more than 6 months, and upon a second conviction of this or any preceding section of this chapter the person convicted shall be both fined and imprisoned.

CHAPTER 98.

DISEASED CATTLE.

Sec. 6. Every person who shall sell any cattle or other domestic animals or any part thereof known to him to be affected with any contagious disease or any disease dangerous to public health, or who shall sell or offer for sale any milk from any such cattle or domestic animal, shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both.

CHAPTER 152.

MEDICINES AND DRUGS.

Sec. 10. Every person who shall knowingly adulterate or cause to be mixed any foreign or inert substance with any drug or medical substance, or any compound or medicinal preparation recognized by the pharmacopœia of the United States or other countries as employed in medicinal practice with the effect of weakening or destroying its medicinal power, or who shall sell the same knowing it to be adulterated, shall, in addition to the penalties prescribed in section 7 of this chapter, forfeit to the use of the state the article so adulterated found in his possession, and shall be deprived of the right to practice as a pharmacist in this state. The State Board of Pharmacy shall have the right to make investigations under this section.

DECISION OF THE SUPREME COURT OF RHODE ISLAND ON FOOD LAWS.

ADULTERATION. A statute which provides that milk containing less than a certain per centum of solids and fats shall be deemed adulterated is valid. *State vs. Smith*, 14 R. I., 100; 51 Amer. Rep. 344.

MILK. The provision that no person shall sell or exchange milk which does not comply with the requirements of sec. 6, c. 147, Gen. Laws, applies to all persons, whether registered dealers or not. *State, Baker vs. Luther*, 20 R. I. 472.

Where the statute provides that milk shall be deficient in milk fats if it contains a greater per centum of watery fluids or less of milk solids than prescribed by sec. 8, which provides that milk which shall not contain more than 88 per cent of watery fluids or less than 12 per cent of milk solids or less than 2.1½ per cent of milk fats shall be deemed to be adulterated it is not

essential that the sample of milk complained of is deficient in milk fats. *State, Baker vs. Luther*, 20 R. I. 472.

MILK. Possession of milk below the legal standard is not punishable. An intent to sell must be shown. *State vs. Smyth*, 14 R. I. 100.

MILK ANALYSIS. An act which confines the testimony to analysis of the samples which are destroyed in the process of analysis is constitutional. *State vs. Groves*, 15 R. I. 208.

MILK. MASTER'S LIABILITY FOR ACT OF SERVANT. Where adulterated or inferior milk is found in the possession of a servant in addition to the evidence that the milk was in his possession for sale, in order to hold the master liable it must also be shown that the servant having it so for sale was acting in pursuance of the will of the master. *State vs. Smith*, 10 R. I. 258.

PURE FOOD LAWS OF SOUTH CAROLINA.

The State of South Carolina has no dairy or food commissioner. The State Board of Health has supervisory powers over the laws relative to the adulteration of articles of food or drink. Said Board may adopt such measures as it may deem necessary to facilitate the enforcement of such laws, and may appoint inspectors, analysts and chemists, who shall be subject to its supervision and removal for the purpose of carrying said laws into effect.

The State Board of Health and those connected with the enforcement of these laws, is as follows:

EXECUTIVE COMMITTEE.

T. Grange Simons, M. D., Chairman, Charleston.

A. A. Moore, M. D., Camden.

James Evans, M. D., Florence.

W. H. Nardin, Anderson.

Chas. M. Rees, M. D., Charleston.

George M. Deen, M. D., Spartansburg.

Robert Wilson, M. D., Charleston.

Hon. G. Duncan Bellinger, Attorney-General.

Hon. J. P. Derham, Comptroller-General.

James Evans, Secretary, Florence.

A digest of the laws on this subject:

Revised Statutes of South Carolina, 1893, vol. 2, section 266, provides that whoever shall knowingly sell, offer or expose for sale or possess with intent to sell, any kind of meat or

vegetables or fruit or other article of provisions, whether for food or drink, that are diseased, corrupted or unwholesome for food or drink, or shall fraudulently adulterate, or cause to be adulterated, for the purpose of sale, or possess with intent to sell any article or kind of food or drink so adulterated, shall be guilty of a misdemeanor and punished by a fine not exceeding \$100 or imprisonment not exceeding thirty days, and the article so adulterated shall be forfeited and destroyed.

SESSION LAWS OF 1896, PAGE 214.

CANDY.

Sec. 1. Provides that no person shall manufacture for sale or sell any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, or by poisonous colors or flavors, or other ingredients deleterious to health.

Sec. 2. A violation of this act is punishable by a fine not exceeding \$100 nor less than \$50. The candy so adulterated shall be forfeited and destroyed.

PAGE 215.

MILK.

Sec. 1. Provides it is unlawful to sell or expose for sale, or deliver for domestic use, or to be converted into any product of human food, any unclean, impure, unwholesome, adulterated

or skimmed milk, or milk from which has been held back what is known as "strippings," or milk taken from an animal having disease, sickness, ulcers or abscesses; provided this section shall not prohibit the sale of buttermilk or skimmed milk when sold as such.

Sec. 2. For the purposes of this act milk which is proven by any reliable test or analysis to contain less than three per cent of butter fat, and eight and a half per cent of solids other than butter fats, shall be regarded as skimmed milk.

Sec. 3. Every article, substance or compound other than that produced wholly from pure milk or cream, made in semblance of butter or cheese, and designed to be used as a substitute of butter or cheese, made from pure milk or cream, is hereby declared to be imitation butter or imitation cheese as the case may be. Provided, the use of salt, rennet and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

Sec. 4. No person shall coat, powder or color with annatto, or any coloring matter whatever, any substance designed to be used as a substitute for butter or cheese, whereby such substitute shall be caused to resemble butter or cheese, the product of pure milk or cream.

Sec. 5. No person shall combine any animal fat or vegetable oil, or other substance with butter or cheese or combine with butter or cheese, or with animal fat or vegetable oil, or combination of the two, or any other substance, any annatto or other coloring matter for the purpose or with the effect of imparting thereby a yellow color so that such substance shall resemble genuine yellow butter or cheese, nor introduce any such coloring matter or any such substance into any of the ingredients of which such substitute may be composed. Provided, nothing in this act shall be construed to prohibit the use of salt, rennet or harmless coloring matter for coloring the products of pure milk or cream.

Sec. 6. No person shall, by himself or employe, produce or manufacture, sell or keep for sale, any imitation butter or imitation cheese made in violation of this act, whether such imitation shall have been made in this state or elsewhere. Provided, this act shall not be construed to prohibit the manufacture and sale of imitation butter, or imitation cheese under the regulations hereinafter provided, not manufactured or colored as herein prohibited.

Sec. 7. Every person who lawfully manufactures any substance designed to be used as a substitute for butter or cheese, shall mark by branding, stamping or stenciling on the top and sides of each tub, box or other vessel in

which said substitute shall be kept, or in which it shall be removed from the place where produced, in a clear and durable manner, in the English language, the words "Substitute for butter," or "Substitute for cheese," as the case may be, in printed letters in plain Roman type, each of which shall be not less than one inch in height and one-half inch in breadth.

Sec. 8. No person shall possess or control any substance designed to be used as a substitute for butter or cheese unless the tub, box or other vessel containing same be marked as provided in section 7; provided, that this section shall not apply to a person having such imitation substance in his possession for actual consumption of himself or family.

Sec. 9. No person, by himself or otherwise, shall sell or offer for sale, any imitation butter or cheese under the pretense that same is genuine butter or cheese.

Sec. 10. No keeper or proprietor of any hotel or restaurant shall knowingly use or serve therein, either as food or for cooking purposes, any imitation butter or cheese as defined in section 3 of this act, unless such keeper, proprietor or other persons, shall keep constantly posted in a conspicuous place, in the room where such limitations shall be served, so that the same may be easily seen and read by any person in such room, a white placard, not less than ten by fourteen inches in size, on which shall be printed in the English language, in plain black Roman letters not smaller than one inch in height and one-half inch in width, the words "Imitation butter used here," or "Imitation cheese used here," as the case may be. Said card shall contain no other words.

Sec. 11. A violation of this act is a misdemeanor, punishable by a fine not to exceed \$100, nor less than \$10. One-half of said fine to go to the informer of such offense.

Sec. 12. The sworn certificate of the chemist of the Clemson Agricultural College of South Carolina of his analysis of a suspected sample, shall be recognized in all courts of the state as *prima facie* evidence of such analysis and the character of such sample. Approved the 9th day of March, 1896.

SESSION LAWS OF 1898, PAGE 803. INSPECTION OF FOOD, DRUGS AND LIQUORS.

Sec. 1. Provides no person shall within this state manufacture, brew, distill or offer for sale, or sell any articles of food, drugs, spirituous, fermented or malt liquors, which are adulterated within the meaning of this act. Every person violating this act shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$50 or imprisoned not exceeding fif-

teen days for the first offense and not exceeding \$100 or imprisonment for thirty days, or both, for each subsequent offense.

Sec. 2. The term "food" as used in this act shall include every article used for food or drink by man, including all candies, teas, coffees and spirituous, fermented and malt liquors. The term "drug" as used herein shall include all medicines for internal or external use.

Sec. 3. An article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs:

1. If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other Pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work.

3. If its strength or purity falls below the professed standard under which it is sold.

(b) In the case of food or drink:

1. If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or weaker substance has been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation of or sold under the name of another article.

5. If it consists wholly or in part of a diseased, decomposed, putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal.

6. If it be colored or coated, polished or powdered, whereby damage is concealed, or it is made to appear better than it really is or of greater value.

7. If it contains any added poisonous ingredient, or any ingredient which may render it injurious to health; provided, that the said Board of Health may declare from time to time certain articles or preparations to be exempt from the provisions of this act; provided, further, the provisions of this act shall not apply to mixtures or compounds recognized as ordi-

nary articles of food, provided the same are not injurious to health, and are distinctly labeled as mixtures, stating the components of the mixture.

(c) In the case of spirituous, fermented and malt liquors, if it contains any substance or ingredients not normal or healthful to exist in spirituous, fermented or malt liquors, or deleterious to health, when such liquors are used as a beverage or as a medicine, and if it does not conform in respect to strength and purity to that required by the laws of this state.

Sec. 4. It shall be the duty of the State Board of Health to prepare and publish from time to time lists of articles, mixtures and compounds declared to be exempt from the provisions of this act, in accordance with the preceding section. The State Board of Health shall, from time to time, fix the limits of variability permissible in any article of food or drug or compound, the standard of which is not established by any national Pharmacopœia.

Sec. 5. The State Board of Health shall take cognizance of the interests of public health as it relates to the sale of food, drugs, spirituous, fermented and malt liquors, and the adulteration thereof, and make all necessary inquiries and investigations relating thereto, and for such purposes may appoint inspectors, analysts and chemists, who shall be subject to its supervision and removal. The State Board of Health shall adopt such measures as it may deem necessary to facilitate the enforcement of this act. It shall prepare rules and regulations with regard to the proper method of collecting and examining drugs, articles of food and spirituous, fermented and malt liquors.

Sec. 6. Every person offering or exposing for sale, or delivering to a purchaser any drug or article of food or spirituous, fermented or malt liquors, included hereinafter, shall furnish to any analyst or person appointed hereunder, who shall apply to him for the purpose and tender him the value of same, a sample sufficient for analysis for any such drug or article of food or drink which is in his possession. Whoever hinders, obstructs or in any way interferes with any inspector, analyst or other officer appointed hereinafter in the performance of his duty, shall be guilty of a misdemeanor and fined not exceeding \$100 or imprisoned not exceeding sixty days.

PURE FOOD LAWS OF SOUTH DAKOTA.

The dairy and pure food laws of the State of South Dakota are administered by a Dairy and Food Commissioner appointed by the Governor, whose term of office is two years, at a salary of \$1,200 per annum. He has power to appoint a stenographer, whose salary shall not exceed \$600 per annum. Said Commissioner is required to be a man who has had two years of practical experience in dairying, and also a man versed in dairy science. The South Dakota Dairy and Food Commission was created by the act of the General Assembly, approved March 6th, 1901. The Dairy and Food Commission consists of the following members:

C. P. Sherwood, Dairy and Food Commissioner.

J. H. Hubbard, Assistant and Stenographer.

Hon. John Armstrong, Special Instructor in Institute Work.

A digest of the laws on this subject is as follows:

Sec. 1. The office of Food and Dairy Commissioner for the State of South Dakota is hereby created. Said Commissioner shall be appointed by the Governor, with the consent of the Senate. He shall be a resident of South Dakota, a practical dairyman, and shall have had two years of practical experience in dairying. He shall also be versed in dairy science. His term of office shall be for two years. Said Commissioner may be removed from office for cause, by the Governor. He shall give bonds in the sum of \$5,000.

Sec. 2. It shall be the duty of said Commissioner to enforce all laws that now exist, or may hereafter be enacted, relative to the several articles which are foods, or necessary constituents of foods, manufactured or sold, exposed or offered for sale in this state. He may, in a lawful manner, procure samples of same, and direct the chemist of the Agricultural College, State University or School of Mines to make careful examination of same and report to the Commissioner the result of the analysis of all such foods as are adulterated, impure or unwholesome. Said Commissioner shall make semi-annual reports to the Governor.

Sec. 3. Provides that the Food and Dairy Commissioner shall, so far as practicable, encourage and instruct those desiring him to do so, in the organization of creameries, or cheese factories, by lectures, pamphlets or practical demonstrations, and shall embody in his annual report such facts and statistics in regard to the production, manufacture and sale of dairy products, and enforcement of pure food

laws, with such suggestions as he may regard of public importance in connection therewith.

Sec. 4. Every creamery and cheese factory proprietor shall, on the first day of April of each year, or within thirty days thereafter, be licensed by the Food and Dairy Commissioner to manufacture from pure milk, butter or cheese or both, and shall pay therefor the sum of one dollar for each and every factory owned and operated by said individual. No license shall be sold or transferred. Each license shall record the name of the owner, the place of business, location of factory or skimming station, and number of the same. Each licensee shall, before engaging in the manufacture of butter or cheese, cause the number of the license to be placed conspicuously on the wall, on the inside of said factory or skimming station, and he shall report to said Commissioner on blanks furnished by said Commissioner, the names and postoffice address of all the officers of said factory, including the butter and cheese maker. Any change in the management thereof, during the term of said license, shall be promptly reported to said Commissioner.

Sec. 5. On and after July 1st, 1901, any person who shall operate a creamery or cheese factory in this state in the capacity of a butter-maker or cheese-maker, without having first obtained a license of the Food and Dairy Commissioner, shall be guilty of a misdemeanor, and punished by a fine of not less than \$10 for each day he shall so act.

Sec. 6. The Food and Dairy Commissioner shall issue a license to applicants for butter-maker and cheese-maker authorizing them to operate such factories upon passing satisfactory examination. If the applicant furnishes said Commissioner satisfactory recommendations from the manager or Board of Directors of the factory in which he is employed, of his ability as a butter-maker or cheese-maker, such recommendation may be accepted in lieu of an examination, provided the Food and Dairy Commissioner may cancel said license upon satisfactory proof that the factory authorized to be operated is not operated in compliance with the provisions of this act.

Sec. 7. The salary of the Dairy and Food Commissioner shall be \$1,200 per annum, payable monthly. He shall have power to appoint a stenographer whose salary shall not exceed \$600 per annum, payable monthly.

Sec. 8. It is the duty of the chemist or chemists regularly employed at the State Agricultural College, State University or School of



C. P. SHERWOOD,
South Dakota Dairy and Food Commissioner.



PROF. JAMES H. SHEPARD,
State Chemist.



J. H. HUBBARD,
Assistant and Stenographer.

SOUTH DAKOTA DAIRY AND FOOD COMMISSION.

Mines, to analyze all samples of food or dairy products submitted by the Food and Dairy Commissioner, and return the result of such analysis to said commissioner. The expenses thereof to be paid out of food and dairy funds.

Sec. 9. Said Commissioner shall be entitled to necessary expenses incurred in the discharge of his duty.

MILK.

Sec. 10. No person shall keep cows in a crowded or unhealthy condition for the production of milk for market, sale or exchange, or to be manufactured into articles of butter or cheese, or feed cows on food that produces impure, unhealthy, diseased or unwholesome milk, nor sell such milk to any person nor deliver milk from diseased cows to any creamery or cheese factory. No person shall manufacture from impure, unhealthy, diseased and unwholesome milk or cream any article of butter or cheese. Whoever violates the provisions of this section shall be guilty of misdemeanor and punished as hereinafter provided.

Sec. 11. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk diluted with water, or any impure, unclean, unhealthy, adulterated or unwholesome milk or cream from the same. Whoever violates the provisions of this act shall be guilty of a misdemeanor and punished as hereinafter provided.

Sec. 12. No person shall manufacture, offer or expose for sale, sell, deliver or possess with the intent to sell or deliver, any oleomargarine which contains methyl-orange, butter yellow, orange yellow, annatto, analine dye or any other coloring matter.

Every person who shall offer for sale, sell, deliver or possess, with intent to sell or deliver, any oleomargarine shall keep a white placard not less in size than 10x14 inches in a conspicuous place, where the same may be easily read and seen in the store, room, stand, booth, vehicle or place where such substance is offered or exposed for sale, on which placard shall be printed in black letters not less in size than one and one-half inches square the words "Oleomargarine sold here." And said placard shall contain no other words. No person shall sell or deliver any oleomargarine unless it be done under its true name, and each package has on the upper side thereof the label, on which is printed in letters not less than five-eighths of an inch square the word "Oleomargarine," and in letters not less than one-eighth of an inch square the name and per cent of each ingredient therein.

Every proprietor, keeper, manager or person in charge of any hotel, boat, railroad car, boarding house, restaurant, eating house, lunch coun-

ter or lunch room, who sells therein or uses for cooking or furnishes oleomargarine, shall display and keep a white placard in a conspicuous place where the same may be easily seen and read, in the dining room or place where such substance is furnished, sold or served, which placard shall be in size not less than ten by fourteen inches, upon which shall be printed in black letters not less than one and one-half inches square the words "Oleomargarine sold here." Said placard shall contain no other words. Such proprietor, keeper or person in charge shall not sell or serve such substance for butter when butter is asked for, or purported to be furnished or served.

The word "Oleomargarine" as used in this act shall be construed to mean any substance not pure butter of not less than 80 per cent of butter fat, which substance is made as a substitute for or to be used as butter.

Any manufacturer who violates the provisions of this section shall be fined not less than one hundred or more than five hundred dollars, and for each subsequent violation in addition to such fine may be imprisoned in the county jail not more than ninety days. Any other person violating this section shall be fined not less than fifty nor more than one hundred dollars.

Nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine or filled cheese in a separate and distinct form, in such manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like cheese or yellow butter.

CHEESE.

Sec. 13. Every person who shall at any cheese factory in this state manufacture cheese, and shall fail at said factory to distinctly and durably stamp on the bandage of every such cheese, and on the box containing the same, in full face capital letters, the grade of same, "SOUTH DAKOTA FULL CREAM CHEESE," "SKIMMED" or "IMITATION" as hereinafter defined, shall be deemed guilty of a misdemeanor and punished as hereinafter provided. Brands and stencils for stamping shall be procured from the food and dairy commissioner.

Sec. 14. Any person who shall efface, cancel or remove any mark or label provided for by this act, with intent to deceive, or violate this act, is guilty of a misdemeanor.

Sec. 15. It is a misdemeanor to manipulate or underread the Babcock test or any other contrivance used for determining the quality or value of milk.

Sec. 16. The doing of anything prohibited and the not doing of anything directed to be

done by this act shall be *prima facie* evidence of wilful intent to violate this act.

Sec. 17. The Food and Dairy Commissioner is authorized and directed to issue to each cheese factory and to each renovating or process butter factory, upon proper application therefor, uniform stencils or brands to be used as provided in sections 12 and 13 of this act. All cheese containing not less than 45 per cent of the butter fat in comparison with the total solids, shall be branded "South Dakota Full Cream Cheese," or cheese into which any foreign fat or oleaginous substance, or the fat from any stale, rancid, foul or impure butter, has been introduced, shall be branded "Imitation cheese."

Sec. 18. Provides that a record be kept of said brand and stencils by the commissioner.

POWERS OF COMMISSIONER.

Sec. 19. The Food and Dairy Commissioner and such persons as he shall authorize for the purpose, shall have access, ingress and egress to all places of business, factories, farms and other places, and cans used in the manufacture of any food and dairy product or imitation thereof. They shall have power and authority to open any package, can or vessel containing any article which may be manufactured, sold or exposed for sale in violation of law, and inspect the contents thereof, and take samples therefrom for analysis upon payment of the market value thereof. All clerks, bookkeepers, express agents, railroad officials and employees of common carriers shall render to them all the assistance in their power, when so requested, in tracing or discovering the presence of any article manufactured in violation of the law. Any refusal on the part of such clerks, bookkeepers, etc., to render such friendly aid, when requested so to do, shall be a misdemeanor. Any person who obstructs the Food and Dairy Commissioner in carrying out the provisions of this section shall be guilty of a misdemeanor.

Sec. 20. The Food and Dairy Commissioner shall have power, in the discharge of his duty, to examine under oath any person whom he may believe has knowledge concerning the sale or use of adulterated food, or any imitation of butter or cheese. He may issue subpoenas.

Sec. 21. It shall be the duty of said Commissioner or his employes to enter all places where they have reason to believe adulterated food, butter or cheese, or imitations thereof, are kept for sale, and take samples of such substances, and cause them to be analyzed and tested. Such analysis or test shall be recorded and preserved as evidence. A certificate of such result, sworn to by the chemist making the analysis, shall be admissible in evidence.

Provided, the person accused may take the

deposition or compel the attendance in court of such chemist in manner now provided by law. The expense of such analysis to be determined by the court, not exceeding twenty dollars in any one case, may be included in the costs of prosecution.

Sec. 22. Every person in charge of any creamery, cheese factory or renovating or process butter factory, shall make a monthly report to said Commissioner not later than the last day of each month, of the product of said factory and such information as said Commissioner may require for the preceding month, ending on the last day thereof. Blanks for such reports shall be procured from the Commissioner.

Sec. 23. Whoever hinders or obstructs the Food and Dairy Commissioner or his employes in the performance of their duty shall be punished by a fine of fifty dollars for the first offense, and one hundred dollars for each subsequent offense, and imprisonment until such fine is paid.

Sec. 24. A violation of sections 5 and 12 of this act is punishable by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment not to exceed thirty days.

Sec. 25. A violation of sections 14, 15, 16, 17 and 20 of this act is punishable by a fine of not less than one hundred dollars nor to exceed five hundred dollars; provided nothing in this act shall be construed to affect merchandise purchased, on hand and for sale prior to the taking effect of this act.

Sec. 26. Provides for the application of fines collected hereunder.

Sec. 27. Provides an appropriation of \$2,500 per annum to be known as the food and dairy fund.

Sec. 28. Adulterated food or imitation cheese or butter shipped into this state, not labeled as provided by the laws of this state, may be seized by the Food and Dairy Commissioner and confiscated by him.

Sec. 29. This act does not apply to farmers and stock growers manufacturing their own milk products into cheese or butter for home consumption and for the market. Provides an emergency clause.

ADULTERATING FOOD. PENAL CODE.

Sec. 7917. Every person who adulterates or dilutes any article of food or drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, keeps or offers

for sale the same as unadulterated or undiluted, knowingly, is guilty of a misdemeanor.

Sec. 7819. Prohibits the sale or otherwise disposing of any article of food, drink, drug or medicine that has become tainted, decayed, spoiled or unwholesome to be eaten or drunk with intent to permit same to be eaten or drunk by any person or animal. Any violation hereof is a misdemeanor.

POLITICAL CODE.

ADULTERATION OF FOOD OR DRINK.

Sec. 3043. Provides that no person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making same fully known to the buyer, or fraudulently adulterate for the purpose of sale any substance intended for food, any wine, spirits or other liquor intended for drinking, or color, stain or powder, any article of food, drink or medicine, or any article entering into the composition of food, drink or medicine, with any substance, whether injurious to health or not, for the purpose of gain or profit, or sell or offer for sale any article so mixed, colored, stained or powdered, unless same be so manufactured, sold or offered for sale under its true and appropriate name, and a notice that same is mixed or impure, is marked, printed or stamped upon each package, roll, parcel or vessel containing same, so as to be at all times readily visible; or unless the purchaser is informed by the seller of the true name and ingredients of such article of food, drink or medicine, at the time of sale or offering to sell; provided, nothing herein shall be construed to prevent the use of harmless coloring in butter or cheese made from whole milk or cream.

Sec. 3044. Prohibits the killing of calves for food when less than four weeks old and provides for the issuance of a search warrant to search for such meat.

Sec. 3045. Prohibits the sale and manufacture, taking orders for, delivering, keeping in possession, storage, distribution or conveyance with intent to sell any article made wholly or partly out of any fat or oleaginous substance or compound thereof, not produced from unadulterated milk or cream, made in imitation of butter, produced from unadulterated milk or cream; provided, nothing in this act shall prohibit the manufacture or sale of oleomargarine in a separate and distinct form, in such manner as to advise the consumer of its real character, free from coloration or ingredients that cause it to look like yellow butter. Provided, further, that such substance or compounds thereof, or oleomargarine shall be colored pink.

Sec. 3046. A violation of sections 1 and 2

hercof is a misdemeanor, punishable by imprisonment not to exceed six months, nor less than three months, or fined not to exceed \$200 and not less than \$100.

Sec. 3047. Whoever furnishes in any hotel, restaurant, boarding house or other place, oleomargarine or butterine, to any guest or patron of such hotel, etc., in place of butter, shall notify said guest that the substance so furnished is not butter. A failure so to do is punishable by a fine of not less than ten nor more than fifty dollars for each offense.

Sec. 3048. Provides duties of health officer, sheriff or deputy sheriff to enforce the two preceding sections.

Sec. 3049. For the purpose of the three preceding sections, the terms "Butter" and "Cheese" mean the products usually known by those names, manufactured exclusively from milk or cream or both, with salt and rennet, with or without coloring matter.

PURE FOOD LAW.

Sec. 3050. No person shall manufacture for sale, sell or ship into this state any food jellies, adulterated with any foreign substance within the meaning of this act, unless the can, jar, glass, firkin, tub or package containing the same bear a label or brand in manner or form hereinafter required.

FOOD JELLIES.

Sec. 3051. The term "Food Jellies" as used herein shall embrace all substances known and recognized in commerce as "Jellies," for human consumption as food, whether such jellies are prepared of animal or vegetable products.

Sec. 3052. Every firm or person offering, exposing for sale or selling any food jelly or any mixture intended for use as a food jelly, which is adulterated as hereinbefore defined, shall securely affix in a conspicuous place upon the side of every can, jar, glass, tub, firkin or package wherein the same is contained, a label upon the outside and face of which is distinctly printed upon a background of a single color, in the English language, in legible type, no smaller than double pica, the name and location of the factory or the person manufacturing the same, the words "Mixture" and "Adulterated," and immediately following and below these words the common English name, and the quality, grade and net weight of the article claimed to be contained in such can, jar, glass tub, firkin or package.

LARD.

Sec. 3053. No person shall manufacture for sale, possess with intent to sell or sell as lard, any substance not the legitimate and exclusive product of the fat of the hog.

Sec. 3054. Every person who manufactures

for sale in this state, possesses with intent to sell, or sells as lard or as a substitute for lard, any mixture or compound which is designed to take the place of lard, made from animal or vegetable fats or oils, or any mixture or compound consisting of part lard in mixture or combination with animal or vegetable oils or fats, unless the same be branded or labeled as hereinafter required, shall be guilty of a misdemeanor and subject to the penalties hereinafter provided.

Sec. 3055. Every person who manufactures for sale, possesses with intent to sell or sells any substance made in semblance of lard or as an imitation of lard, which is designed to take the place of lard and consists of any mixture or compound of animal or vegetable oils or fats other than hog fat in the form of lard, shall cause the tierce, barrel, tub, pail or package containing same to be distinctly and legibly branded or labeled in letters not less than one inch in length, with the name of the person making the same, together with the location of the manufactory, and the words "Lard substitute," and immediately following the same in letters not less than one-half inch in length, with the names and approximate proportions of the several constituents which are contained in the mixture or compound.

Sec. 3056. Every person who manufactures for sale, possesses with intent to sell, offers or exposes for sale or sells any substance made in semblance of lard, or as a substitute for lard, or designed to take the place of lard, consisting of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled in letters not less than one inch in length, with the name of the person making same, and location of the manufactory, and the words "Adulterated lard," and immediately following same in letters not less than one-half inch in length, the names and approximate proportions of the several constituents which are contained in the mixture or compound.

Sec. 3057. Every dealer or person who offers for sale or sells any form or lard substitute, or adulterated lard, as herein defined, shall securely affix to the package containing same, a label upon the outside and face of which is distinctly and legibly printed in letters not less than one-half inch in length, the words "Lard substitute" or "Adulterated lard," and immediately following same, in letters not smaller than long primer, the names and approximate proportions of the several constituents contained in the mixture or compound, and shall furnish the purchaser at the time of sale, a card

upon which is distinctly and legibly printed the name of the article and a list of the several compounds thereof.

Sec. 3058. Every person who manufactures for sale, offers for sale or sells, or serves to guests as the keeper of a hotel, restaurant, dining room or otherwise, articles of food which have been prepared wholly or in part with lard substitutes, or adulterated lard, shall, at the time of sale, furnish the purchaser a card upon which is distinctly and legibly printed the words, "This food is prepared with lard substitute (or adulterated lard)," or in case no bill of fare is provided, shall constantly keep posted upon each side of the dining room, in a conspicuous position cards distinctly printed in the English language, in letters visible from all parts of the room, the words "Lard substitute (or adulterated lard) is used in the preparation of the food served here." Provided this act shall not apply to cottolene, a compound consisting of a mixture of beef stearine and refined cottonseed oil, when distinctly labeled in letters not less than one-half inch in length, with the word "Cottolene," and the name and location of the person manufacturing same, provided said Cottolene shall not be manufactured in imitation of lard, and shall not contain any substance deleterious to health.

BAKING POWDER.

Sec. 3059. Every person who manufactures for sale or sells any baking powder or any mixture or compound intended for use as a baking powder, under any name or title whatsoever, which shall contain any alum, unless the same be labeled as hereinafter required, shall be guilty of a misdemeanor.

Sec. 3059a. Every person making or manufacturing baking powder or any mixture or compound intended for use as a baking powder which contains alum, shall securely affix to every box, can or package containing same, a label upon the outside and face of which is distinctly printed in legible type no smaller than brevier, heavy, Gothic caps, the name and residence of the manufacturer, and the words "This baking powder contains alum." Any person violating this section shall be guilty of a misdemeanor.

CIDER VINEGAR.

Sec. 3059b. Every person who manufactures for sale, offers or exposes for sale, as cider vinegar, vinegar not the legitimate product of pure apple juice, known as apple cider, or vinegar not made exclusively of apple cider, or into which foreign substances, drugs or acids have been introduced, shall be deemed guilty of a misdemeanor.

Sec. 3059c. Every person manufacturing for

sale or selling any vinegar, found upon proper test, to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious to health, shall be deemed guilty of a misdemeanor.

Sec. 3059d. Prohibits the sale, exchange or possession with intent to sell or exchange any adulterated vinegar, or the labeling, branding or selling as cider vinegar, or apple vinegar, any vinegar not the legitimate product of pure apple juice, or not made exclusively from pure apple cider.

Sec. 3059e. All vinegars shall have an acidity equivalent to the presence of not less than four and a half per cent by weight of absolute acetic acid, and in case of cider vinegar shall contain in addition not less than two per cent of weight of cider vinegar solids, upon full evaporation over boiling water. If any vinegar contains any artificial coloring matter or less than the above acidity, or in the case of cider vinegar, if it contains less than the above amount of acidity or of cider vinegar solids, it shall be deemed adulterated within the meaning of this act. All manufacturers of vinegar or persons who reduce or rebarrel vinegar or handle vinegar in lots of one barrel or more, or ship vinegar into this state, are hereby required to stencil or mark in black figures, at least one inch in length, on the head of each barrel of vinegar bought or sold by them, the kind of vinegar contained therein, with the name of the manufacturer, location of factory, and the standard strength of the vinegar contained in such package or barrel, which latter shall be denoted by the number of grains of pure bicarbonate of potash required to neutralize one fluid ounce of vinegar, any neglect to so mark or stencil each barrel, etc., or any false marking thereof, is a misdemeanor.

PENALTY.

Sec. 3059f. Whoever adulterates, for the purpose of sale, lard with cottonseed oil, or vegetable oil, or terra alba or other substances injurious to health is guilty of a misdemeanor.

HONEY.

Sec. 3059g. It is unlawful for any person to offer for sale or possess with intent to sell, or sell, honey manufactured from or mixed with glucose, sugar syrup of any kind, or any substance not the legitimate produce of the honey bee, unless the package containing same is so marked and represented as such, and bearing a label upon the package printed in heavy Gothic capitals, eighteen point, with the name of the person manufacturing or mixing the same, and the name of the substance or material from which it is compounded, manufactured or mixed with.

Sec. 3059h. It is unlawful for any person to possess for sale or sell honey which has not been made by the bees from the natural secretion of flowers and plants, and which has been stored or made by the bees from glucose, sugar syrup, or other material fed to them, unless same is marked and designated as such, bearing a label upon the package printed in heavy Gothic letters, eighteen point, the name of the person who fed the substance or material from which same is stored or made, and the name of the substance or material from which said honey is stored or made.

SPICES.

Sec. 3059i. The term "Spices and condiments," as used herein, shall embrace all substances known and recognized in commerce as spices, and used as condiments, whether the same be in their natural state or in a form which would result from the grinding, milling, mixing or compounding of the natural product.

Sec. 3059j. No person shall by himself or otherwise, manufacture for sale or sell any spices or condiments to the inhabitants of this state, either ground or unground, adulterated with any foreign substance, within the meaning of this act, unless the package or box containing same, bear a label or brand in manner and form as herein required.

Sec. 3059k. Every person manufacturing, selling or delivering to a purchaser any spices condiment, or mixture or compound intended for use as a spice or condiment, adulterated as hereinbefore defined, shall affix in a conspicuous place upon the side of every box or package containing same, a label upon the outside and face, on which is distinctly printed upon a background of a single color, in the English language, in legible type, not smaller than double pica, the name and location of the factory or person manufacturing the same, the words "Mixture" and "Adulterated," and immediately following and below these words the common English name of the spice or condiment which the box or package contains, also the net weight of the package must be printed in plain type on the label.

CANDY.

Sec. 3059l. Prohibits the manufacturing or selling of any candy, adulterated by the admixture of terra alba, barytes, talc, or other mineral substance, or poisonous colors or flavors, or ingredients deleterious to health.

Sec. 3059m. It is unlawful to sell or possess with intent to sell any article of food adulterated, unless the package containing the same bears a label on the outside and face of said package, upon which is distinctly printed in the English language and in legible type, not smaller than double pica, the name and loca-

tion of the person manufacturing the same, the word "Adulterated," and immediately following and below this word the common English name of the article of food which the box or package contains.

Sec. 3059n. Possession of any article hereinbefore described as adulterated or mixed, not labeled as required herein, shall be considered *prima facie* evidence that same is kept in direct violation of the provisions of this act.

Sec. 3059o. In all prosecutions under this act the certificate of the chemist making the analysis, duly certified, shall be *prima facie* evidence of the facts certified.

Sec. 3059q. In all prosecutions under this act costs shall be paid in like manner as provided by law, and it is the duty of the prosecuting attorney to represent and prosecute on behalf of the people. Fines shall be paid into the State Treasury.

Sec. 3059r. A violation of any of the provisions of this act shall be deemed a misdemeanor, punishable by fine of not less than \$25.00 nor more than \$50.00, and costs, or by imprisonment in the county jail not less than thirty days nor more than ninety days.

DIGEST AND RULINGS.

BY C. P. SHERWOOD, FOOD AND DAIRY COMMISSIONER.

In order that the public may become familiar with the law governing the manufacture and sale of foods in the State of South Dakota, this department has issued the following digest of the laws and rulings governing the sale of the various foods:

Baking Powder.—Every can must be labeled with the manufacturer's name and address and also the name of the baking powder. No formula is necessary. If containing alum the following words in type no smaller than brevier heavy Gothic caps must be printed on the label: "This Baking Powder Contains Alum." All baking powder must be true to name and contain no injurious substances.

Butter.—Must be made from pure milk and cream and contain no preservative other than salt and no substance injurious to health. May be colored with harmless vegetable butter color. Process or reworked butter must not be labeled or sold for creamery or dairy butter.

Candy.—Must not be adulterated by terra alba, barytes, talc or any other mineral substance, or contain poisonous coloring or flavors or other ingredient deleterious to health.

Catsups.—Must not contain injurious ingredients, coloring matter or preservatives.

Cider.—Must be true to name and contain no artificial coloring, preservatives or substance

injurious to health. Apple cider must be made from pure apple juice.

Cheese.—Must be made from pure milk and cream. Each cheese and each box must be stenciled "South Dakota Full Cream Cheese" or "Skim" or "Imitation" as the case may be, and be true to name. Full cream cheese must contain not less than 45 per cent butter fat in comparison with total solids. If less than 45 per cent must be marked skim, and if containing any fat or oleaginous substance or foreign fat or the fat from any stale, rancid or impure butter, shall be branded imitation. Cheese factories must annually procure license from food and dairy commissioner.

Cottolene.—Must be sold only under its true name. Is legal if containing no substance deleterious to health and not made in imitation of lard.

Liquors.—Must be chemically pure, free from all unnatural or abnormal ingredients and coloring matter. Must not be mixed with other drugs or different kinds of liquor nor with water.

Maple Sugar and Syrups.—Must be true to name, otherwise labeled adulterated.

Milk.—Must be pure and unadulterated. Must not be taken from unhealthy cows or contain preservatives of any description. This applies to milk furnished to creameries or cheese factories, by milk peddlers, or served to guests at any hotel, restaurant or boarding house.

Coffee.—If sold as such must be true to name and not coated to conceal inferiority. May be mixed with chicory or other substance not injurious to health if labeled "coffee compound" and the name of the manufacturer and his address. Coffee substitute composed of cereals in combination, labeled or sold as a substitute for coffee may be sold under a coin name, if the name is not any one of the ingredients contained therein.

Canned Goods.—Must bear the name and address of the packer and contain no poisonous ingredient or injurious coloring matter. The greening of vegetables is prohibited.

Cream of Tartar.—Must be true to name and unadulterated.

Extracts—Flavoring.—Bottles or packages must bear the name of the manufacturer and his address, and the name of the article. Must be pure, or marked or labeled adulterated thus: "Adulterated Lemon," etc. Vanilla flavoring must be true to name and uncolored. Compound extracts must have the name of each ingredient on the label of each bottle or package. Extracts not made from fruit, berries or beans must be labeled "Imitation Lemon" or "Imitation Vanilla," etc., and contain no injurious substances.

Farinaceous Goods.—Must be true to name, pure and unadulterated. If mixed or compounded, must be sold under a coin name.

Honey.—Must be pure, made by bees from the natural secretions of flowers and plants. If made by bees fed on glucose, sugar or syrup, and other materials, must bear a label giving the name of the persons who fed or caused to be fed the substance, the name of the substance from which the said honey was stored or made. Honey mixed with glucose, sugar, syrup or any other substance, and not the legitimate product of the honey bee, shall bear a label giving the name and address of the manufacturers and the name of the substances from which it is compounded.

Jellies.—This embraces all foods and preparations of foods known as jellies whether prepared from animal or vegetable products. They must in all cases be pure and true to name, otherwise they must be labeled with the name and address of the manufacturer and the word "mixture" or "adulterated" preceding the name of the article and the grade and net weight of the article contained in the package. No preservative or artificial coloring matter is allowed.

Lard.—This embraces the legitimate and exclusive product of the fat of the hog. Adulterated lard may be sold if the package bears a label giving the name and address of the manufacturers and the words "adulterated lard," and in large type the name and approximate proportions of the several constituents. Parties buying adulterated lard or lard substitute must also be furnished with a card on which is printed in large type the names of the several component parts of the article. Hotels, restaurants and boarding houses using lard substitute or adulterated lard are required to have printed on their bills of fare "This food is prepared with lard substitute or adulterated lard," or have posted on each side of the dining-room in a conspicuous place, a card bearing these words: "Lard substitute or adulterated lard is used in the preparation of the food served here." No preservatives can be used in any kind of lard.

Oleomargarine.—May be sold under its true name if uncolored and containing no injurious substance. The package must be stenciled with the name and amount of the ingredients therein. Dealers must have posted in a conspicuous place a placard bearing these words: "Oleomargarine sold here" under our law. Proprietors of public eating houses must have a large placard posted in a conspicuous place in the dining room or lunch room, bearing these words: "Oleomargarine used here" where it is served or used, and they shall not serve oleo-

margarine when butter is called for. The term oleomargarine is construed to mean any substance, not pure butter, containing 80 per cent or more than 80 per cent of butter fat, used in the place of butter.

Prepared Mustard.—May be sold under this name if it does not contain any foreign or other substance to cheapen its value.

Meats.—Must be produced from healthy animals and be in a wholesome condition. Must not be tainted or otherwise unwholesome and must be free from preservatives of any kind. The sale of meat procured from calves less than four weeks old is prohibited.

Syrups.—Must be true to name and contain no injurious substance, coloring matter or preservatives.

Spices.—If not pure must be labeled with the name of the article preceded by the word "Adulterated" and the name and address of the manufacturer, also the net weight of the article contained in the package.

Vinegar.—Must be pure, of an acidity equivalent to the presence of not less than $4\frac{1}{2}$ per cent by weight of absolute of acetic acid and containing no preparation of lead, copper, sulphuric acid or other injurious ingredient, or any artificial coloring matter. Must be true to name and in the case of apple or cider vinegar must be the legitimate product of pure apple juice, and contain not less than 2 per cent of cider vinegar solids. The barrel must be stenciled or labeled with the name and address of the vinegar manufacturer, the kind of vinegar contained in the barrel and the acid strength of the vinegar.

Creameries and Cheese Factories.—Must each obtain a license from the food and dairy commissioner, the fee for which is \$1.00. Buttermakers and cheesemakers must also have licenses. Must not receive at the factory for the manufacture into any article of butter or cheese, any impure, unhealthy, diseased or impure milk, or cream from any such milk or cream adulterated with water or containing any preservatives. Each creamery and cheese factory is required to make a monthly report to the food and dairy commissioner on blanks furnished by his office.

General.—The sale of any adulterated article of food is prohibited unless the package bears a label with the word "adulterated" preceding the name of the article together with the name and address of the manufacturer. The provisions of this law are extended to all persons who manufacture for sale, sell, or cause to be sold any article of adulterated food whatsoever. Foods shipped into this state not labeled as required under the provisions of this law are subject to confiscation.

Foods Defined.—The term foods covers all articles of food or drink intended for man or beast, whether solid or liquid.

Adulterations Defined.—For the purposes of the law articles of food are deemed to be adulterated in the following cases:

1. If any substance or substances shall have been mixed with an article of food so as to lower or depreciate its quality, strength or purity.
2. If any cheaper or inferior substances have been substituted wholly or in part for it.

3. If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.

4. If it is an imitation of or sold or represented for sale under the name of any other substance or article.

5. If it is colored, powdered or treated in any manner whereby damage or inferiority is concealed.

6. If it contains any added substance or ingredient which is poisonous or injurious to health.

PURE FOOD LAWS OF TENNESSEE.

The Pure Food Laws of this state are under the supervision of the State Board of Health, the members of which are as follows:

Members—

W. J. McMurray, M. D., President.

W. J. Miller, M. D., Vice-President.

Hon. Thomas H. Paine.

Heber Jones, M. D.

Officers—

J. A. Albright, M. D., Secretary and Executive Officer.

John S. Hamel, Assistant Secretary.

J. M. King, State Chemist.

Louis Leroy, M. D., State Bacteriologist.

A DIGEST OF THE LAWS WHICH IT IS THE DUTY OF THE SAID BOARD TO ENFORCE ON THIS SUBJECT IS AS FOLLOWS:

Section 1. Provides that the manufacturing, importation, sale or offering for sale of any article of food or drink which is adulterated or misbranded, within the meaning of this act, is prohibited in Tennessee. And any company or person who shall knowingly receive from without the state, or having received shall deliver, sell or exchange such adulterated or misbranded article, shall be guilty of a misdemeanor, punishable by a fine not less than \$25 nor more than \$100 for each subsequent offense, or be imprisoned in the county jail not exceeding one year, or both.

Sec. 2. The State Board of Health is authorized and directed to establish a properly equipped chemical and biological laboratory, with such experts as they may elect, in which shall be made examinations of food and drink offered for sale in Tennessee, from samples collected from time to time, under such rules as the board may prescribe. The results of such analyses shall be published for the information of the people. It is the duty of the said board to see that the provisions of this act are carried out without any additional appro-

priations. The names of manufacturers or vendors of such foods or drinks analyzed shall in no case be published until after conviction in the courts of a violation of this act. The said board shall furnish the District Attorney of the district in which any such violation occurs with a copy of the results of the analyses, duly authenticated under oath by the expert making the examination.

Sec. 3. It is the duty of every District Attorney receiving a report as aforesaid to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided, unless he shall decide that such proceedings cannot be sustained, in which case he shall so report to the said board.

Sec. 4. The term "food and drink" shall include all articles used for food or drink by man, whether simple, mixed or compound. The term "misbranded" shall include all articles of food or drink, or which enter into the composition of such articles of food or drink, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article which statement shall be false in any particular, or any statement purporting to name the substances of which such article is made which shall not fully give the names of all the substances contained in such article in any measurable quantities.

Sec. 5. That for the purpose of this act, an article shall be deemed adulterated, in the case of food or drink: First, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall be calculated and shall tend to deceive the purchaser. Second, if any inferior substance has been substituted, wholly or in part, for the article, so that the product, when sold, shall tend to deceive the purchaser. Third,

if any valuable constituent of the article has been wholly or in part abstracted so that the product, when sold, shall tend to deceive the purchaser. Fourth, if it be an imitation and sold under the specific name of another article. Fifth, if it be mixed, colored, powdered or stained in any manner whereby danger is concealed so that such product, when sold, shall tend to deceive the purchaser. Sixth, if it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it. Seventh, if it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or an animal that has died otherwise than by slaughter; provided, that an article of food or drink which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases:

First, in the case of mixtures or compounds, which may now or from time to time hereafter be known as articles of food or drink under their own distinctive names, and not included in definition fourth of this section. Second, in the cases of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations or blends. Third, when any matter or ingredient has been added to the food or drink because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drink, or to conceal the inferior quality thereof; provided, that the same shall be labeled, branded or tagged as prescribed by the State Board of Health so as to show them to be compounds and the exact character thereof. Fourth, where the food or drink is unavoidably mixed with some extraneous matter in the process of collection and preparation.

Sec. 6. Provides that the State Board of Health, or any person authorized by them, shall have the right to demand and receive for analysis samples of such articles of food from any manufacturer or vendor who sells or delivers such articles to purchasers; and upon request of either party such sample shall, in the presence of such dealer, be divided into three parts, each part to be sealed by the State Board of

Health; one part shall be left with the dealer, one delivered to the State Board of Health, and one deposited with the District Attorney of the district where the sample is taken. Said manufacturer or dealer may have his sample analyzed at his own expense, and if the results thereof differ from those of the State Board of Health, the sample in the hands of the District Attorney shall be analyzed by a third chemist or expert, who shall be agreed upon by the said dealer and the State Board of Health, and the whole evidence shall be laid before the court.

Sec. 7. Provides that whoever refuses to comply, upon demand, with the requirements of Section 6 of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding \$100 nor less than \$10, or imprisoned not exceeding three months, nor less than thirty days, or both. Any person found guilty of manufacturing, knowingly offering for sale or selling any adulterated, impure or misbranded article of food or drink in violation of this act shall pay, in addition to the penalties heretofore provided for, all necessary costs and expenses of inspection and analyses of such adulterated article which said person may have been found guilty of manufacturing or selling or offering for sale.

Sec. 8. Provides that this act shall take effect thirty days after its passage, and repeals all laws or parts of laws in conflict herewith.

SESSION LAWS OF 1903.

CHAPTER 98.

Section 1. Be it enacted by the General Assembly of the State of Tennessee that Chapter 45 of the Acts of 1897, passed March 19, 1897, be so amended as to read "That it shall be unlawful for any miller, manufacturer of or dealer in flour or any person to mix or adulterate the flour manufactured, sold or offered for sale by him or them with borite, corn meal, corn starch, or any noxious, deleterious or injurious substance whatever.

Sec. 2. Be it further enacted that the violation of the first section of this act shall be, and the same is hereby declared to be a misdemeanor, and the violation of the same shall be punishable by a fine of not less than \$50 or more than \$100 or by imprisonment at the discretion of the court.

Sec. 3. Be it further enacted that this act shall take effect from and after its passage, the public welfare demanding it. Passed February 11, 1903.

DECISIONS OF THE SUPREME COURT OF TENNESSEE ON FOOD LAWS.

UNWHOLESOME PROVISIONS. A person who furnishes provisions for the market is bound to use ordinary care to see that they are wholesome. *Hunter vs. State, 1 Head (Tenn.) 160.*

KNOWLEDGE. Held that if the defendant might have known by ordinary care and diligence on his part or on the part of those employed by him in preparing pork for the market, that it was unsound, whether in point of fact he knew it or not, he should be convicted. But if by means of ordinary care and diligence the defendant could not and did not know the pork was unsound then he is not guilty. *Hunter vs. State, 1 Head (Tenn.) 160.*

UN SOUND PROVISIONS. LIABILITY FOR SELLING. One who sells provisions for market is liable for any damage arising to the buyer from their unsoundness if he knew of their condition or might have known of it by ordinary care and prudence. *Hunter vs. State, 38 Tenn. 160.*

LIQUORS. The law requiring a person selling liquor to take an oath and give bond that they will not adulterate them is not complied with if the person takes an oath not to mix any poisonous substance with such liquors. *Hall vs. State 9 Lea (Tenn.) 574; Levi vs. State, 4 Baxt. (Tenn.) 289.*

PURE FOOD LAWS OF TEXAS.

The State of Texas has no Dairy or Food Department. The State Health Officer is charged with the enforcement of the laws against the adulteration of articles of food and drink, and the enforcement of all these laws in so far as they relate to public health. His powers and duties are prescribed by law as hereinafter set forth, and an appropriation has been made out of moneys in the Treasury not otherwise appropriated for the carrying of these laws into effect; but it appears that there has never been any money so appropriated set aside for said purpose, and therefore in so far as the State Health Officer is directly charged with creating and supervising a food department, the act has to a great extent lost its force and effect.

The State Health Officer is:

Dr. Geo. R. Tabor..... Austin

TITLE XII, CHAPTER II, PENAL CODE. SALE OF UNWHOLESOME FOOD, DRINK OR MEDICINE.

Art. 246. Provides that if any person knowingly sells the flesh of animals dying otherwise than by slaughter, or slaughtered when diseased, or any kind of corrupted, diseased or unwholesome substances, whether for food or drink, without making the same fully known to buyer, he shall be fined not less than \$20 nor more than \$100.

Art. 427. Provides if any person shall fraudulently adulterate for the purpose of sale, any substance intended for food, or any spirituous, vinous or malt liquors intended for drink with any substance injurious to health he shall be

punished by a fine of not less than \$50 and not more than \$100.

Art. 428. Provides if any person sell any spirituous, vinous or malt liquor intended for drink, knowing the same to be adulterated with any substance injurious to health, he shall be fined not less than \$50 nor more than \$400.

Art. 429. If any person fraudulently adulterate, for the purpose of sale, any drug or medicine in such a manner as to change the operation of such drug or medicine, or render same worthless or injurious to health, he shall be punished as above.

Art. 430. Prohibits the manufacture, offering for sale or selling any article of food, wines, beers, fermented or distilled liquors, or drugs, known to be adulterated. A violation hereof is a misdemeanor punishable by a fine not exceeding \$500.

Art. 431. The term "food" as used in this law shall include every article used as food or drink by man. The term "drug" shall include all medicines for internal or external use.

Art. 432. An article shall be deemed adulterated:

(A) In the case of drugs:

1. If when sold under or by a name recognized in the United States Pharmacopoeia it differs from the standard of strength, quality or purity laid down therein.

2. If when sold under or by a name not recognized in the United States Pharmacopoeia, but found in some other Pharmacopoeia or standard work on Materia Medica it differs materially from the standard of strength, quality or purity laid down in such work.

Schotten's STANDARD
ROASTED **COFFEES**

All Roasted Coffees packed under our name are natural dry roast, free from manipulation and "doping," which practice we claim impairs their drinking qualities.

Schotten's PURE
GROUND **SPICES.**

Our Ground Spices are warranted as represented, PURE, without any mental reservation, and can be sold with impunity in all States where there exist the most stringent pure food laws.

Established 1847. **WM. SCHOTTEN & CO., St. Louis**

3. If its strength or purity fall below the professed standard under which it is sold:

(B) In the case of food or drinks:

1. If any substance has been mixed with it so as to reduce or injuriously affect its quality or strength.

2. If any inferior substance has been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted from the article.

4. If it be an imitation of or sold under the name of another article.

5. If it consist wholly or in part of a diseased, decomposed, putrid or rotten animal or vegetable substance, whether manufactured or not; or in case of milk if it is the product of a diseased animal.

6. If it be colored, coated, polished or powdered whereby damages are concealed or made to appear better than it really is or of better value.

7. If it contain any added poisonous ingredient or any ingredient which may render it injurious to the health of the user.

Provided the said health officer may from time to time declare certain articles exempt from the provisions of this law.

Provided further that the provisions of this act shall not apply to mixtures, or compounds recognized as ordinary articles of food; *provided*, the same are not injurious to health and are distinctly labeled as mixtures, stating the compounds thereof.

Art. 433. It shall be the duty of the State Health Office to prepare and publish from time to time lists of the articles, mixtures or compounds declared exempt. He shall also from time to time fix limits of variability permissible in any article of food or drug, the standard of which is not established by any standard Pharmacopoea.

Art. 434. The State Health Officer shall take cognizance of the interest of the public health as it relates to the sale of food and drugs and adulterations thereof, and make all necessary investigations and inquiries relating thereto. He shall have the supervision of the appointment of public analysts or chemists. He shall adopt such measures as may seem necessary to facilitate the enforcement of this law;

prepare rules and regulations with regard to the proper method of collecting and exempting articles of food or drugs. He shall be authorized to expend an amount not exceeding \$2,000 for the purpose of carrying out the provisions of this law. The sum of \$2,000 is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purposes in this article provided.

Art. 435. Every person selling, offering or exposing any article of food or drug for sale, shall supply to any public analyst or other state agent or local health officer appointed under this law, upon value thereof being tendered to him, a sample sufficient for the purpose of analysis of any article included in this law in his possession, under penalty not exceeding \$50 for the first offense and \$100 for each subsequent offense.

Art. 436. A violation of this law is a misdemeanor. Any person who shall obstruct, or otherwise prevent any analyst, inspector or prosecuting officer in the performance of his duty shall be fined not less than \$50 nor more than \$500.

Art. 437. All regulations of the State Health Officer made under this law shall be printed for distribution.

SESSION LAWS OF 1899, PAGE 304. MARKING PACKAGES.

Section 1. Every person manufacturing or dealing in wheat or corn products in original packages in this state, whether sold singly or in lots, and all manufacturers or dealers in flour, meal or food from the above named grain products, when offering the same for sale in original packages, whether single packages or lots, shall place in legible letters and figures not less than two inches in size on the packages so offered for sale, the name of the contents and actual weight of contents of said package. It is unlawful to sell any package of the articles mentioned herein which has been falsely labeled. All adulterated wheat or corn products shall have stamped upon the sack or barrels "Adulterated."

Sec. 2. All violations of this act are punishable by a fine not less than \$25 nor exceeding \$1,000.

Sec. 3. Provides an emergency clause, approved June 5th, 1899.

DECISIONS OF THE SUPREME COURT OF TEXAS ON FOOD LAWS.

ADULTERATION. LABELING. Under the statute making the mixture of articles of food without labeling the product an offense, is too general. It should name the particular article

of food the adulteration of which is prohibited and which is required to be labeled. *Dorsey vs. State*, 38 Tex. C. Rep. 527.

ADULTERATED FOOD. When there is no

evidence that the defendant knew that the food was adulterated and that he offered it for sale, the conviction should not be sustained. *Cantee vs. State (Tex.)* 10 S. W. 757.

ADULTERATION. Where the statute requires in order to sustain conviction that the seller shall have knowledge of the adulteration, the same must be shown. *Sanchaz vs. State*, 27 Tex. App. 14; *Cantee vs. State (Tex.)* 10 S. W. 757.

DISEASED FLESH. It is not only necessary, in order to convict one of selling diseased flesh, to show that the flesh was diseased, but also that the defendant had knowledge of the fact. *Teague vs. State*, 25 Tex. App. 577.

MEAT. In order to convict a person for slaughtering or selling the flesh of any diseased animal under an act making it unlawful to knowingly slaughter for food any diseased animal or sell the same it must be shown that he knew at the time of the sale that the meat was diseased. *Teague vs. State (Tex.)* 8 S. W. 667.

FOOD MIXTURES. A statute which provides that if certain named nutritious and wholesome articles of food are mixed or combined, the product must be labeled showing the component elements thereof, is valid; but one which embraces all articles of food or drink is too general in its terms and cannot be enforced. *Dorsey vs. State*, 38 Tex. C. Rep. 547.

PURE FOOD LAWS OF UTAH.

The Food and Dairy Laws of the State of Utah are enforced by a Dairy and Food Commissioner.

Moroni Heiner is the present State Dairy and Food Commissioner. His office is in Salt Lake City.

Herman Harms' State Chemist.

Section 1. Dairy and Food Commissioner Appointment. Term. Compensation. The office of dairy and food commissioner for the State of Utah, is hereby created. Such commissioner shall be appointed by the Governor, by and with the consent of the Senate, and his term of office shall be for two years from the date of his appointment, and vacancies occurring in the office for any cause shall be filled by appointment for the balance of the unexpired term. The salary of the commissioner shall be \$1,200 per annum, together with his necessary and actual expenses incurred in the discharge of his official duty, which shall be paid in the same manner as other state officers.

Sec. 2. To Enforce Laws. Inspection By. It shall be the duty of the commissioner, and he is hereby invested with the powers to enforce all laws that now exist or that may hereafter be enacted in this State regarding the production, manufacture or sale of dairy and creamery products, or the adulteration of any article of food, and regarding the use of skimmed or adulterated milk, and the feeding unwholesome food to cattle and the keeping of cattle having infections or contagious diseases; and said commissioner shall personally, or by his deputy, inspect any article of food, made or offered for sale within this State which he may suspect, or have reason to believe to be impure, unhealthy, adulterated, or counterfeit. He shall also visit and inspect the various cheese and butter fac-

tories of the State, and shall have power to enforce proper sanitary regulations in their management and surroundings. And said commissioner shall personally, or by his deputy, when complaint is made of the violation of any law relating to the feeding or keeping upon the premises, for the purpose of feeding, any unwholesome food for cattle, or the keeping of cattle afflicted with any contagious or infectious disease, immediately investigate said charge and may prosecute any person, firm, or corporation violating any of the laws of this State, which it is the duty of said commissioner to enforce.

Sec. 3. Examinations and Analyses, Searches and Seizures. Penalty for Obstructing. Said commissioner shall have power in the performance of his official duties to enter into any creamery, factory, store, salesroom, or other place or building, where he has reason to believe that any food is made, prepared, sold, or offered for sale, and to open any package, or receptacle of any kind containing, or supposed to contain, any such article, and to examine or cause to be examined and analyzed the contents thereof; and the commissioner may seize or take any article of food for analysis, but if the person from whom such sample is taken shall request him to do so, he shall, at the same time, and in the presence of the person from whom such property is taken, securely seal up two samples of the article seized or taken; one of which shall be for examination or analysis, under the direction of the commissioner, and the other of which shall be delivered to the person from whom the articles were taken. Any person who shall obstruct the commissioner by refusing to allow him entrance to any place which he desires to enter, in the dis-



MORONI HEINER
Dairy and Food Commissioner.



HERMAN HARMS
Chemist.

UTAH DAIRY AND FOOD COMMISSION.

charge of his official duty, or who refuses to deliver to him a sample of any article of food made, sold, offered or exposed for sale, by such person, when the same is requested, and when the value thereof is tendered, shall be deemed guilty of a misdemeanor, and punished by a fine of not exceeding twenty-five dollars for the first offense and not exceeding five hundred dollars nor less than fifty dollars for each subsequent offense.

Sec. 4. County Attorney to Aid. Disposal of Fines. It shall be the duty of the County Attorney in any county of the State, when called upon by the commissioner, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this act; and all fines and assessments, collected in any prosecution begun or caused to be begun by said commissioner shall be paid into the State treasury.

Sec. 5. Report Contents, and Publication. Said commissioner shall make a biennial report to the Governor, which shall contain an itemized account of all expenses incurred and fines collected, with such statistics and other information as he may regard of value; and, with the consent of the Governor, not exceeding one thousand copies thereof may be published annually as other official reports are published.

MILK.

Sec. 6. Standard of Milk. Skimmed Milk to be Labeled. Milk must contain not less than three per cent of fat and twelve and one-half per cent solids. Milk from which cream has been removed must be labeled and sold as "Skim Milk." The sale of milk which is impure, unwholesome or adulterated, or from cows which are diseased, or fed upon the refuse of a distillery or brewery, or upon any substance deleterious to the quality of the milk, such as barbage, swill, or any substance in a state of putrefaction, or from cows kept in connection with a family in which there is infectious disease, is prohibited. The addition of coloring matter or preservatives to milk is prohibited.

Sec. 7. Proof in Prosecutions for Sale of Impure Milk. In all prosecutions or other proceedings under this or any other law of this State, relating to the sale or furnishing of milk, if it shall be proved that the milk sold, offered for sale, furnished, delivered, or had in possession with intent to sell, offer for sale, furnish, or deliver as aforesaid, as pure, wholesome, and unskimmed, has been adulterated or diluted, or any part of its cream abstracted, or that it or any other part of it was drawn from any cow, within twenty days before or five days after parturition, or from any cow that has any disease, or ulcer or other running sore, then

and in either case, the said milk shall be held and adjudged to have been adulterated, impure or unwholesome, as the case may be.

Sec. 8. Skimmed Milk. Penalty. No person shall sell, exchange, deliver, or have in his custody or possession with intent to sell, exchange, or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place, above the center, upon the outside of every vessel, can, or package, from or in which such milk is sold, the words "Skimmed Milk" are distinctly marked in uncondensed Gothic letters, each not less than one inch in height. Such skimmed milk shall not contain less than nine per cent of milk solids, exclusive of fats.

Sec. 9. Tests. Proofs of adulterations and skimming may be made with such standard tests and lactometers as are used to determine the quality of milk, or by mechanical analysis. Cream of standard purity shall be cream produced from normal milk, free from all kinds of additions and containing not less than twenty per cent of butter fat. The sale of cream which is not of standard purity is prohibited.

Sec. 10. Use of Injurious Chemicals. No person shall sell, or offer for sale, consign, or have in his possession with intent to sell or otherwise dispose of to any person, any milk, cream, butter, cheese, or other dairy products, or shall deliver to any creamery or cheese factory, milk or cream to be manufactured into butter or cheese, to which boracic acid, formaldehyde, salicylic acid, viscogen, or compounds containing them, or any antiseptics, have been added. Butter of standard purity shall be butter made from normal milk or cream, free from all kinds of additions, except salt and harmless coloring matter, and shall contain not less than eighty-three per cent of butter fat.

Sec. 11. Feeding Refuse to Dairy Cattle. No dairyman or other person selling milk, butter, or cheese, shall feed dairy cattle or keep on his premises, for the purpose of feeding the same, any swill, brewer's malt, vinegar slops, vinegar malt, distillery sprouts, or any other food which may make said butter, milk, or cheese, unwholesome or unhealthy for use.

Sec. 12. Cattle with Infectious Diseases. No person selling, exchanging, furnishing, or delivering milk or dairy products, shall have in his possession, at any place where milch cows are kept, any cattle having tuberculosis, or other infectious or contagious disease. It shall be the duty of the dairy and food commissioner of this State, in case he shall find that cattle are kept in violation of the provisions of this act, to cause all such cattle having any contagious or infectious disease to be killed.

Sec. 13. Skimmed-Milk Cheese. No person

shall manufacture, or shall buy, sell, offer, ship, consign, expose, or have in his possession for sale, any cheese manufactured from or by the use of skimmed milk to which there has been added any fat which is foreign to such milk.

Sec. 14. *Id. Size.* No person shall manufacture, or shall buy, sell, offer, ship, consign, expose, or have in his possession for sale, within this State, any skimmed milk, cheese, or cheese manufactured from milk from which any of the fats originally contained therein have been removed, except such cheese be not less than nine, nor more than eleven inches in diameter, and not less than nine inches in height.

OLEOMARGARINE.

Sec. 15. *Imitation Butter.* Oleomargarine. No person shall render or manufacture, sell, ship, consign, offer for sale, expose for sale, take orders for the future delivery of, or have in his possession, with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk, or cream from the same, and without the admixture or addition of any fat, foreign to said milk or cream, which shall be an imitation of yellow butter, produced from pure, unadulterated milk or cream of the same with or without coloring matter; provided, that nothing in this title shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character but it must be free from coloration or ingredients that cause it to look like butter, and free from any word, brand, or marking, either upon the package or upon any wrapper or upon the contents of the same which would in anywise tend to deceive the purchaser or consumer.

Sec. 16. *Selling as Butter.* It shall be unlawful for any person to sell, or offer for sale, to any person who asks, sends, or inquires for butter, any oleomargarine, butterine, or any substance made in imitation or semblance of pure butter, and not made entirely from the milk of cows, with or without coloring matter.

Sec. 17. *Exposing Same for Sale. Making Packages.* It shall be unlawful for any person to expose for sale oleomargarine, butterine or any similar substance, not marked and distinguished on the outside of each tub, package, or parcel thereof by a placard with the word "Oleomargarine" or "Butterine," and not having also upon the exposed contents of every open tub, package, or parcel thereof, a conspicuous placard with the word "Oleomargarine" or "Butterine," such placard in each case to be printed in plain, uncondensed Gothic letters,

not less than one inch long, and to contain no other words thereon.

Sec. 18. *Placard.* It shall be the duty of every person who sells oleomargarine, butterine, or any similar substance from any dwelling, store, office, or public mart, to have conspicuously posted thereon the placard or sign in letters not less than four inches in length, "Oleomargarine" "Sold Here," or "Butterine Sold Here." Such placard shall be approved by the dairy and food commissioner.

Sec. 19. *On Wagon.* It shall be unlawful for any person to peddle, sell, solicit orders for the future delivery of, or deliver, from any vehicle, oleomargarine, butterine, or any similar substance, without having on the outside of both sides of said vehicle, the placard in uncondensed Gothic letters not less than three inches in length, "Oleomargarine" or "Butterine."

Sec. 20. *Oleomargarine, etc., in Hotels.* It shall be unlawful for any person to furnish, or cause to be furnished, in any hotel, boarding house, restaurant, or at any lunch counter, oleomargarine, butterine, or any similar substance to any guest or patron of said hotel, boarding house, restaurant, or lunch counter, without first notifying each guest or patron that the substance so furnished is not butter.

Sec. 21. *Pure Butter and Cheese to be Used in Public Institutions.* No butter or cheese, not made wholly and directly from pure milk, or cream, salt, and harmless coloring matter, shall be used in any of the charitable or penal institutions of the State.

Sec. 22. *Search Warrants.* When complaint shall be made on oath to any magistrate, authorized to issue warrants in criminal cases, that imitation butter, or imitation cheese, or any substance designed or intended to be used as a substitute for butter or cheese, is in the possession or under the control of any person or persons contrary to the provisions of the law of this State, and that the complainant believes that it is concealed in any particular warehouse, store, or refrigerator for mercantile purposes, the magistrate, if he be satisfied that there is cause for such belief, shall issue a warrant for such property.

Sec. 23. *Contents.* All such warrants shall describe and designate the place and property to be searched for, and shall be directed to the Sheriff of the county, or his deputy, or to any constable of the county, commanding such officer to search the house, building, store, or other place where imitation butter, or imitation cheese, or any substance designed or intended to be used as imitation butter or cheese for which he is required to search, is believed to be concealed, and to bring such property when found, and the person or persons in whose

possession the same shall be found, before the magistrate who issued the warrant, or before some other magistrate or court having cognizance of the case.

Sec. 24. *Id. Seizure. Analysis. Confiscation.* When any officer, in the execution of a search warrant, under the provisions of this act shall find any imitation butter or cheese, or any substance designed or intended to be used as an imitation of butter or cheese, and for which a search is allowed by this act, all the property so seized, shall be safely kept by the direction of the court or magistrate, so long as shall be necessary for the purpose of being produced as evidence on any trial; provided that it shall be the duty of the officer who serves a search warrant, issued for imitation butter, or imitation cheese, or any substance designed or intended to be used as imitation butter or cheese, and alleged to be in his possession, or under the control of any person or persons contrary to law, to deliver to any person, authorized in writing to receive the same, a true and perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed; such analysis to be made by a chemist of any state institution, and the result of such analysis or test shall be recorded and preserved as evidence, and the expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the cost of such prosecution. If any sample be found to be imitation butter, or imitation cheese, or substance designed or intended to be used as an imitation of butter or cheese, and that the same, at the time of such seizure, was in the possession or under the control of any person or persons contrary to any of the provisions or requirements of this act, then and in such case the property so seized shall be confiscated under the direction of the court or magistrate; otherwise the said property shall be forthwith returned to the person or persons from whom it was taken, and no cost or expense shall be charged to such person or persons.

VINEGAR.

Sec. 25. *All Vinegars to Be Branded, Standard For Tests.* All packages containing vinegar must be branded with the name and address of the manufacturer. All vinegars must contain not less than four per cent, by weight of absolute acetic acid and must not contain any preparation of lead, copper, sulphuric acid, or any other mineral acids, vinegars or ingredients injurious to health. All vinegars made by fermentation and oxidation, must be branded "Fermented Vinegar," with the name of the fruit or substance from which the same is made; must be free from foreign substance, and must contain not less than one and three-

fourths per cent, by weight, of solids contained in the fruit or grain from which said vinegar is fermented, and not less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor must be branded "Distilled Vinegar," and must be free from harmful artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substances, drugs, or acids, and containing not less than one and three-fourths per cent, by weight, of cider vinegar solids, can be sold as apple, orchard, or cider vinegar. Malt vinegar must be made from malt, by fermentation and oxidation without distillation, and contain by weight four per cent absolute acetic acid, and yield upon evaporation at least two per cent of malt solids.

Sec. 26. *Diluted Vinegar to Be Labeled.* No person or persons, known as retailers who sell vinegar by the gallon, shall reduce by water or other mixtures, the strength of vinegar, purchased and sold by them, unless he shall mark in plain figures on said package or barrel, the strength of the vinegar, still contained in said package.

FOOD.

Sec. 27. *Adulteration or Dilution of Food a Misdemeanor.* Every person who adulterates or dilutes any article of food, or any article useful in compounding them, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who sells, or keeps, or offers for sale, the same, as unadulterated or undiluted, is guilty of a misdemeanor.

Sec. 28. *Definition of "Food."* That the term "food," as used in this bill, shall include all articles used for food, confectionery, flavoring, drink, or condiment, by man, whether simple, mixed or compound. The term "misbranded," as used herein, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular; or any statement purporting to name the substances of which said article is made, which statement shall not fully give the names of all substances contained in measureable quantities, in such article, or which shall be false as to the State, Territory, or country in which the article is manufactured or produced.

Sec. 29. *What Adulteration Consists Of.* That for the purpose of this act, an article shall be deemed adulterated, in the case of food or drink:

First. If any substance or substances has or have been mixed and packed with it, so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product when sold, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product when sold shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of, or sold under the specific name of any other article.

Fifth. If it be mixed, colored, powdered, polished, or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser.

Eighth. If it consists of the whole or part of a diseased, filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not; or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter.

Sec. 30. It shall be unlawful for any person to manufacture for sale, or knowingly offer for sale, any candy, adulterated by the admixture of terra-alba, baryta, talc or any like substance, or by poisonous colors, or flavors, or other matters deleterious or detrimental to health.

Sec. 31. It shall be unlawful for any person to knowingly sell, or keep or offer for sale, any article of food, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk.

Sec. 32. Penalty for Violation of Pure Food Law. Any person who shall violate any provision of this act, or who shall misbrand any package containing any article of food, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars. And any article of food found in his possession, in violation of any provision of this act shall be subject to confiscation and spoliation.

Sec. 33. Former Laws Repealed. Sections 2446 to 2450, 729 to 746, 4283 to 4290, all inclusive, of the Revised Statutes of Utah, 1898,

and Chapters 34 and 48 of the laws of Utah, 1899, are hereby repealed.

Sec. 34. This act shall take effect upon approval.

Approved this second day of March, 1903.

CHAPTER 97, LAWS OF UTAH, 1903.

An Act creating the office of State Chemist, defining his duties and fixing his salary.

Be it enacted by the Legislature of the State of Utah:

Section 1.—Office of State Chemist created.—The office of State Chemist is hereby created. Such Chemist shall be appointed by the Governor, by and with the consent of the Senate, and his term of office shall be for two years from the date of his appointment; and vacancies occurring in the office from any cause shall be filled by appointment for the balance of the unexpired term.

Sec. 2.—Salary.—The salary of the Chemist shall be one thousand dollars per annum, which shall include all expenses incurred in the discharge of his official duty.

Sec. 3.—Duties.—It shall be the duty of the Chemist to analyze all articles of food and drink manufactured, sold and used within this State, when submitted to him by the State Dairy and Food Commissioner, and to make a biennial report to the Dairy and Food Commissioner, which report shall contain a record of all analyses made by him, and such other information as he may consider of value and interest.

RULINGS ON "THE PURE FOOD LAWS" OF MARCH 2, 1903.

1. Labels.—All foods manufactured, sold, offered or exposed for sale are held to be represented as pure, unless accompanied by adequate notice to the contrary, in which case they must be distinctly labeled as "mixtures," or "compounds," or as "artificial preparations."

2. Pure Foods.—Food sold as pure must be true to name, of standard strength, quality and purity, and not a compound, mixture, or an artificial preparation or imitation.

3. Standards.—Where no standard of strength, quality or purity is fixed by law, the standard required shall be that adopted by the highest recognized authorities, such as the United States Pharmacopœia, or the Association of Official Agricultural Chemists.

4. Injurious Ingredients.—No food shall have added to it any substance or ingredient "which is poisonous or injurious to health."

5. Worthless Ingredients.—No fraudulent or worthless article, having little or no food value, shall be mixed with standard goods or substituted for them, and be sold as food under the

label "compound" or "mixture"; but all foods sold under this designation must be composed of substances recognized as "ordinary articles or ingredients of articles of food."

6. Name and Address of Manufacturer.—Foods manufactured in Utah, except where exempt by statute from such requirements, should, for the purpose of identification, be labeled with the name and address of the person or firm manufacturing them. Foods not so marked are regarded as suspicious.

7. Artificial Extracts.—Artificial preparations or imitations shall not be labeled "extracts," but must be labeled as "artificial vanilla extracts," etc.

8. Coloring Matter.—The use, in food, of a moderate quantity of coloring matter that is not poisonous or injurious to health, is not prohibited, provided the goods are otherwise pure and of standard quality; except in case of oleomargarine, milk and cream.

9. Preservatives.—Articles of food that can be prepared by the use of improved processes, so as to preserve them from decay or change, shall have no preservative added, other than salt, syrup, sugar, spice, vinegar or wood smoke.

10. Labels for Extracts Below Standard.—When an "extract" is below standard, and yet contains a sufficient quantity of the substance after which it is named to entitle it to be labeled as a "compound" or "mixture," the percentage of its distinguishing ingredient or ingredients should be stated on its label.

11. Mustard.—Dry mustard must be pure. A preparation of mustard, vinegar and spices may be sold if labeled "prepared mustard." Mustard may also be sold when mixed with

vinegar, spices and sufficient starch to secure a mild flavor, if labeled "prepared mustard, compound."

12. Spices.—Mixtures of a spice with one or more of its valuable by-products, as pepper with pepper hulls, or pure cloves with cloves from which part of the essential oil has been removed, must be labeled "compound" or "mixture." Spice by-products, themselves possessed of spice value, must be sold under their own distinctive names.

13. Coffee.—Coffee mixed with chicory, wheat, rye, peas, etc., cannot be sold as "coffee compound."

14. Label for Mixed Coffees.—Packages containing such articles may be sold if they have name of the adulterant plainly printed on label.

15. Confections.—Candy and confections must be free from inert mineral matter, and not colored with substances poisonous or injurious to health.

16. Metal Containers.—Tin on cans in which food is preserved, and the portion of the metal tops of glass jars which is in contact with food contents, should not contain more than two per centum of lead.

17. Vinegar.—Merchants having vinegar in their possession, not properly branded, will be liable.

Note.—Under the statute a dealer is liable for selling an adulterated article, although he may have no knowledge that the same is adulterated.

A guarantee of purity received from the manufacturer or jobber does not relieve a person handling adulterated goods from liability.

MORONI HEINER, Commissioner.

PURE FOOD LAWS OF VERMONT.

The State of Vermont has no Dairy or Food Department, nor is any department of state specifically charged with the enforcement of the laws in force against the adulteration of dairy and food products. Violations of those laws are misdemeanors, and as such punishable as other misdemeanors in the state. These laws may be invoked by any person, or by the Prosecuting Attorneys, or other proper officers of the state.

The digest of the laws is as follows:

STATUTES OF 1894, CHAPTER 182,
TITLE 29.

MILK.

Section 4300. The standard of milk shall be wine measure.

CHAPTER 183.

MANUFACTURE AND SALE OF PROVISIONS.

MILK AND CHEESE.

Sec. 4327. As amended by act No. 67, page 45, laws of 1900:

Any person who sells, furnishes or possesses with intent to sell milk diluted with water, adulterated or not of good standard quality, or from which the cream or a part has been taken, or keeps back part of the milk known as "stripings," or milk or cream treated with chemicals, shall for each offense be fined not more than \$300 and not less than \$50.

Sec. 4328. In all creameries and cheese fac-

tories in this state, milk containing four per cent of butter fat shall be the standard used as a paying basis.

Sec. 4329. In prosecutions under the second preceding section, where the ordinary means of proof are not available or sufficient, sealed samples of the milk sold or furnished or kept with intent so to do taken from such milk in the presence of at least one disinterested witness with the knowledge and in the presence of the person or his agent so selling, or furnishing, or possessing with intent to sell or furnish said milk, may be sent to the State Agricultural station to be tested. The results thereof shall be deemed competent evidence in such prosecutions, but shall not exclude other evidence.

Sec. 4330. Said samples shall be placed in tin or glass vessels securely sealed with a label thereon, stating the time when and place where the sample was taken, from whose milk taken, and signed by the person taking the same, and by one or more disinterested witnesses. Upon request a like sample shall be given such person or his agent, for which a receipt shall be given to the person taking or drawing the same.

Sec. 4331. Standard milk shall contain not less than 12½ per cent of solids, and not less than nine and one-quarter of total solids, exclusive of fat, except in the months of May and June, when it shall contain not less than 12 per cent of total solids. This rule shall govern tests made at the experiment station and an officer or employe thereof found guilty of fraud in making a test shall be fined \$1,000.

Sec. 4332. A person who makes or otherwise designates as "creamery" butter or cheese, or the packages in which it is contained, when such butter or cheese is not manufactured at a creamery, or sells any such butter or cheese so marked, shall be fined not more than \$300 nor less than \$50, provided a person may brand, mark or designate the product of his dairy as "Private Creamery," and in such case the name of the maker shall be plainly marked on each package.

Sec. 4333. Justices shall have jurisdiction of the preceding sections.

LARD.

Sec. 4334. No person, by himself or otherwise, shall prepare, sell or expose for sale lard or any substance intended for use as lard, containing any ingredient, but the pure fat of swine in any tierce, bucket, pail or package, under a label, bearing the words "pure," "refined" or "family" alone, or in combination with other words, unless the package containing same bears upon the outside, in letters not less

than one-quarter of an inch long, the words "Compound lard."

Sec. 4342. A violation of the preceding section is punishable by a fine of \$50 for each offense.

GRAIN.

Sec. 4343. Any person who shall adulterate any kind of meal or ground grain with offal, or any substance whatever for purposes of sale, unless the true composition, mixture or adulteration thereof is plainly marked and indicated upon the package containing same, or in which it is offered for sale; and any person who knowingly sells, or offers for sale any meal or ground grain so adulterated unless the true composition, mixture of adulteration is plainly marked or indicated upon the package containing the same, or in which it is offered for sale, shall be fined not less than \$25 and not more than \$100 for each offense, one-half thereof to go to complainant.

MAPLE SUGAR AND HONEY.

Sec. 4344. A person who adulterates maple sugar, maple syrup or bees' honey with cane sugar, glucose or any other substance whatever for the purpose of sale, or knowingly sells maple sugar, maple syrup or bees' honey that has been adulterated, shall be fined not more than \$200 and not less than \$50 for each offense, one-half thereof to go to complainant.

CANDY.

Sec. 4345. A person who shall adulterate candy with terra alba, baryta, talc or other substance detrimental to health, or knowingly sell or offer for sale candy so adulterated, shall be fined not more than \$100 and not less than \$50 for each offense.

CHAPTER 222, TITLE 32.

ADULTERATED PROVISIONS.

Sec. 5073. Any person who knowingly sells diseased, corrupted or unwholesome provisions for food or drink shall be imprisoned not more than six months or fined not more than \$300.

Sec. 5074. Any person who kills with intent to sell the meat thereof for family use a calf less than four weeks old, or knowingly sells or possesses with intent to sell such meat, in the state, or sends the same for use to any foreign market, shall be punished as provided in the preceding section.

Sec. 5075. A person who fraudulently adulterates for the purpose of sale, bread or liquor or any substance intended for food or drink with any substance injurious to health, or knowingly sells such adulterated substance shall be imprisoned in the state prison not more than two years and fined not more than \$300.

and the articles so adulterated shall be forfeited and destroyed.

Sec. 5076. Any person who fraudulently adulterates for the purpose of sale any drug or medicine so as to render it injurious to health, or sells the same knowing it to be adulterated shall be imprisoned in the state prison not more than two years or fined not more than \$400, and such adulterated article shall be forfeited and destroyed.

CHAPTER 215, TITLE 32.

Sec. 4975. A person who knowingly sells or furnishes milk diluted with water or adulterated shall forfeit to the person to whom such milk is sold or furnished not more than \$100 and not less than \$25.

Sec. 4976. A person who knowingly sells, supplies or brings to be manufactured to a butter or cheese manufactory in the state, milk diluted with water or adulterated, or milk from which the cream has been taken, or keeps back part of the milk known as "strippings," or knowingly brings milk to a butter or cheese manufactory that is tainted or partly sour from want of care in keeping the strainers or vessels in which said milk is kept clean and sweet; or a butter or cheese manufacturer who knowingly uses cream from the milk brought to said butter or cheese manufacturer with the consent of the owners thereof, shall forfeit not more than \$100 nor less than \$25 for the benefit of those upon whom said fraud is committed.

LAWS OF 1892, PAGE 62.

MILK AND CREAM.

Sec. 1. All bottles, pipettes or other measuring glasses used by any person at any creamery, butter factory, cheese factory or condensed milk factory, or elsewhere, in determining by the Babcock test or any other test the value of milk or cream received from different persons at such creameries or factories shall, before such use be tested for accuracy of measurement and for accuracy of the per cent scale mark thereon. It shall be the duty of the superintendent of the Dairy School of the University of Vermont and State Agricultural College to designate some competent person to test the accuracy of such bottles, pipettes or other measuring glasses. Such persons shall mark such bottles, pipettes or measuring glasses as are found correct in marks or characters which cannot be erased, which marks or characters shall stand as proof that they have been tested; and no incorrect bottles, pipettes or other glasses shall be thus marked.

Sec. 2. Every person who shall manipulate a Babcock test or other test, whether mechanical or chemical for the purpose of measuring

the contents of butter fat in milk or cream, or as a basis for apportioning the value of such milk or cream, or the butter or cheese thereof, shall secure a certificate from the Superintendent of the Dairy School of the University of Vermont, and State Agricultural College that he is competent to perform such work. The fee for issuing such certificate shall not exceed one dollar. A violation of any of the preceding sections is punishable by a fine of not more than \$25 for the first offense, nor more than \$50 for a subsequent offense. It is the duty of every sheriff, deputy sheriff and constable to institute complaint against offenders hereunder. One-half of said fine to go to complainant.

CREAMERIES AND CHEESE FACTORIES.

Sec. 1. Every owner or proprietor of a creamery shall monthly make and deliver to the patrons thereof a statement of the number of pounds of milk or cream they delivered for that month, with the test, pounds of butter fat, gain per cent from the churn, and actual pounds of butter produced from such milk; and the price paid for same shall be computed on the actual pounds of butter.

Sec. 2. Any owner or proprietor of a creamery who disposes of any milk received at such creamery shall weigh and carefully sample the same and test such samples for the purpose of ascertaining the number of pounds of butter fat in such milk sold or otherwise disposed of and the gain per cent which is found to be the gain from the churn for that month shall be the one used in ascertaining the actual number of pounds of butter produced from such milk sold or disposed of.

Sec. 3. The owner or proprietor of any cheese factory in this state shall make and deliver to each of the patrons of such factory a statement of the number of pounds of milk he delivers for each month, with the test and actual number of pounds of cheese produced by such milk for said month, and the price paid for same shall be computed on the actual number of pounds of cheese.

Sec. 4. Every owner or proprietor of a creamery shall make a statement each month of the total number of pounds of milk received for that month, together with the gain per cent from the churn, and actual number of pounds of butter produced from said milk and cream.

Sec. 5. The statement mentioned in the preceding sections shall be posted in a conspicuous place in said creameries.

Sec. 6. Any manager or proprietor of any creamery or cheese factory, who refuses or neglects for the space of ten days to comply with

the provision of this act, shall forfeit to any person requesting him so to do, the sum of \$10 for each such refusal or neglect.

SESSION LAWS OF 1900, PAGE 45.

MILK TICKETS.

Sec. 1. All retail dealers in milk, who use so-called "milk tickets" shall have the same printed in coupon sheets of convenient size to furnish customers, which shall be taken up by tearing off coupons from the sheet, which coupons shall be immediately destroyed.

Sec. 2. Any person using any of such coupons the second time shall be fined \$5 for each offense.

Sec. 3. This act shall take effect January 1, 1901.

SESSION LAWS OF 1900, PAGE 46.

DAIRY PRODUCTS AND THEIR IMITATIONS.

Sec. 1. Whoever, by himself or otherwise, sells, exposes for sale, or who possesses with intent to sell any article made in imitation or semblance of butter, or as a substitute for butter, not made exclusively and wholly of milk or cream, containing any fats, oils or grease not produced from milk or cream, shall have the words "Imitation butter," or if such substitute is the compound known as "oleomargarine," then the word "Oleomargarine," or if it is known as "butterine," the word "Butterine," stamped, labeled or marked in a straight line in plain letters of uncondensed Gothic type, of not less than one-half inch in length, so that said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin and box or package containing any of said substance or compound. The stamp, label or mark shall contain no other words. Whoever, by himself or otherwise, exposes or offers for sale any such article not in the original package, shall attach to said article in a conspicuous place a label bearing the words "Imitation butter," "Oleomargarine" or "Butterine" in printed letters of plain and uncondensed Gothic type of not less than one-half inch in length. In case of retail sales of such article or substance, not in the original packages, the seller shall attach to each package so sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place on the outside of the package the words "Imitation butter," "Oleomargarine" or "Butterine," and no other words, in printed letters, in a straight line of plain, uncondensed Gothic type not less than one inch in length.

Sec. 2. Whoever sells, exposes or possesses

with intent to sell any article made in imitation or semblance of cheese, or a substitute therefor, not made exclusively of milk or cream, containing any fats, oils or grease not produced from milk or cream shall have the words "Imitation cheese" stamped, labeled or marked in printed letters of plain Roman type, not less than one-half inch in length, so that they cannot be easily defaced, upon the side of every cheese cloth or band around the same, and upon the top and side of every tub, firkin, box or package containing such substance. In case of retail sales of such substances, not in original packages, the seller shall attach to each package so sold, and deliver therewith to the purchaser, a label or wrapper, bearing in a conspicuous place upon the outside of the package the words "Imitation cheese" in printed letters of plain Roman type of not less than one-half inch in length.

Sec. 3. Whoever sells or exposes for sale or possesses with intent to sell any article or compound made in imitation of butter, cheese, or a substitute therefor, except as provided in the two preceding sections, or with intent to deceive, defaces or removes any mark, stamp, label or wrapper provided for in said sections, or shall falsely label, stamp or mark any box, tub, article or package, marked, etc., as aforesaid, shall for each offense forfeit to the city or town where the offense was committed \$100 and for a second and subsequent offense \$200.

Sec. 4. Whoever sells, exposes for sale or possesses with intent to sell any article made in imitation of butter or a substitute therefor, not made exclusively of milk or cream, containing any fats, oils or grease not produced from milk or cream, contained in any box, tub, article or package, marked or labeled with the word "dairy" or "creamery," or the name of any breed of dairy cattle, shall for each offense forfeit to the city or town where same was committed \$100, and for a subsequent offense \$200.

Sec. 5. The terms "butter" and "cheese" shall mean the products which are usually known by these names manufactured exclusively from milk and cream with salt and rennet, with or without coloring matter.

Sec. 6. Provides that the Prosecuting Attorney shall institute complaints for violation hereof upon information of any person. He may enter any place where butter or cheese is stored or kept for sale and take specimens of suspected butter and cheese and cause them to be analyzed or otherwise tested, and preserve a record of the result thereof. The expenses of such analysis shall not exceed \$20 in any one case, to be included as costs.



OFFICE OF
CARROLL WHITAKER,
ATTORNEY.

SAUGERTIES, N. Y., July 31, 1896.

DEAR MADAM:—In my innocence I purchased in New York (100 miles from here) a jar of your **"PIN-MONEY PICKLES."** It brought me great trouble, and one of three things must occur: 1. You must stop making them; or, 2. I must get them at less expense; or, 3. I'm a ruined man. Since my first venture I've had many "jars." My family from early morn cry "Pickles;" neighbors ring the door-bell and shout "Pickles;" relatives visit me in expectation of "Pickles." Your pickles are my Nemesis. Please, Dear Madam, quote them by the Keg, Barrel, Hogshead, Ton or Shipload, and "preserve" me. Yours very truly,
Mrs. E. G. Kidd, Richmond, Va. CARROLL WHITAKER.

Purest and Best Flavoring Extracts



SAUER'S



The Largest Sellers on the Market

The C. F. SAUER CO., Richmond, Va.

PURE FOOD LAWS OF VIRGINIA.

The State of Virginia has no dairy or food commission, but the State Board of Agriculture has supervisory powers over the administration of the laws against the adulteration of articles of food and drink.

G. W. Koiner is Commissioner of Agriculture, and E. W. Magruder, Chief Chemist.

A digest of the laws is as follows:

CHAPTER 186.

UNWHOLESOME PROVISIONS AND ADULTERATING FOOD, ETC.

Sec. 3811. If any person knowingly sells any diseased, corrupt or unwholesome provisions, whether for meat or drink, without making the same known to the buyer he shall

be confined in jail not exceeding six months, or fined not exceeding \$100.

Sec. 3812. If any person fraudulently adulterates for the purpose of sale any drugs, medicine or article of food or drink with any substance injurious to health, or intended to increase the weight or the quantity or such food or drink, he shall be confined in jail not exceeding one year, and fined not exceeding \$500, and the adulterated article shall be forfeited.

INSPECTION OF CERTAIN ARTICLES OF FOOD.

CHAPTER 84.

Sec. 1844. Provides for the appointment of inspectors by the Government in the several counties, cities and towns in which it may be necessary to appoint such inspectors. Said inspectors may be appointed of any of the following commodities: Flour, cornmeal, bread, salt, fish, pork, beef * * * butter and lard.

Sec. 1846. Such inspectors may appoint one or more deputies to assist them.

FLOUR.

Sec. 1850. All wheat flour offered for inspection shall be well bolted and merchantable, of due fineness and without mixture or coarser grain or other grain than wheat, and all cornmeal so offered shall be well sifted, made of corn, well kiln dried and merchantable, or due fineness and without mixture of any other material.

Sec. 1851. Provides how barrels containing flour, meal and bread shall be made.

Sec. 1852. Each barrel of flour or cornmeal shall contain 196 pounds of flour or meal, and each half barrel 98 pounds. In case of a deficiency of quantity the person offering the same for inspection shall forfeit eight cents for each pound of such deficiency not exceeding three, and 17 cents for each pound over three.

Sec. 1853. All foreign flours shall be reviewed and inspected.

Sec. 1854. Provides a fine of \$5 for each barrel of flour sold or offered for sale without being inspected.

Sec. 1856. Provides how barrels containing beef and pork shall be made.

Sec. 1857. Provides how barrels containing salt shall be made.

Sec. 1862. Every manufacturer of flour, cornmeal, bread or salt for exportation shall brand or mark distinctly each barrel of flour, meal or bread so that it may be distinguished as his. Prohibits the use of more than one such brand or mark within a year from the first day of June annually, other than a private mark indicating the quality of the article. A violation of the foregoing section is punish-

able by a fine of fifty cents, and if any person wilfully puts a false tare or weight on any barrel, box or package he shall forfeit one dollar for each barrel, etc.

Sec. 1865. Flour shall be branded as either "family flour," "extra fine," "superfine," "fine" or "middlings," cornmeal with the words "fine meal;" bread with the words "fine bread;" *provided* said articles are adjudged to be merchantable and properly packed.

ALUM SALT.

Sec. 1866. Alum salt shall be branded with the words "alum salt."

BUTTER AND LARD.

Sec. 1871. Each inspector of butter or lard shall examine or provide for inspection of tubs, firkins, kegs, or barrels, exceeding in weight fifty pounds and brand the same, if fit to pass, with the number, "1," "2," "3," as he may judge it to be of first, second or third quality.

ADULTERATED MILK.

Sec. 1899. Whoever shall knowingly sell, supply or bring to be manufactured to any cheese or butter manufactory in this state any milk diluted with water or in any way adulterated, or any milk from which any cream has been taken, or milk commonly known as "skimmed milk," or whatever shall keep back what is known as "strippings," or knowingly bring to any cheese manufactory milk that is tainted or partly sour from want of proper care in keeping clean any vessel in which said milk is kept, after proper notice of such carelessness, or any cheese manufacturer who shall knowingly use or direct any of his employes to use, for his or their individual benefit, any cream from the milk brought to said cheese manufacturer without the consent of the owners thereof shall for each offense forfeit not less than twenty-five and not more than one hundred dollars to be recovered by any person upon whom such fraud is committed.

OLEOMARGARINE.

Sec. 1900. Every person who shall manufacture for sale, or offer or expose for sale any article in semblance of butter or cheese not the legitimate product of the dairy, not made exclusively of milk or cream, into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance, the word "Oleomargarine" in plain Roman letters, not less than one-half inch square, placed horizontally in proper order, thus: "Oleomargarine." In all cases of retail sales of

such article, the seller shall deliver therewith to the purchaser a written or printed label, bearing the plainly written or printed word "Oleomargarine" in type of letters as aforesaid; every sale of such article not so stamped, printed, marked or labeled shall be void and no action maintain for the price thereof.

Sec. 1901. A violation of the preceding section is punishable by a fine of \$100; one-half to go to the informer, the other half to go to the commonwealth, for every offense. On the trial of such offense, proof of the sale, or proof of exposure alleged shall be affirmative evidence of knowledge of the character of the article.

SESSION LAWS OF 1897 AND 1898,
PAGE 493.

ADULTERATION OF FLOUR.

Sec. 1898c. No person shall hereafter adulterate wheat flour by the addition of corn starch, corn flour, barley flour or other adulteration, nor manufacture, sell or exchange or possess with intent to sell or exchange any wheat flour adulterated with corn starch, corn flour, barley flour or other adulteration, nor receive or solicit any order for the manufacture, sale, exchange or delivery within this State of any wheat flour adulterated with corn starch, corn flour, barley flour or other adulteration, unless he or they plainly and durably stamp, brand or mark each package, parcel, box or barrel containing such adulterated wheat flour with the word "Combination," and beneath this word shall be plainly stamped on every barrel, etc., the name and percentage of each ingredient used therein. Every person who shall fail to so stamp each box, etc., or misstate the percentage of every ingredient in such combination, shall be punished by a fine of not less than twenty-five dollars nor exceeding one hundred dollars for each offense, or imprisoned not less than sixty days, or both.

Sec. 2. Possession by any person, either as manufacturer, merchant or retail dealer, of any packages, parcels or boxes containing any of the combination flour, defined by this act, not plainly and durably marked with the word "Combination" shall be *prima facie* evidence that the order upon which said flour was obtained was for such flour; *Provided*, if any packages, etc., containing combination flour shall be plainly and durably marked as required by the provisions of this act before or when the same are sold or exchanged, then the person so selling or exchanging shall be exempt from the penalties of this act.

Sec. 3. This act shall take immediate effect.

CHAPTER 146, PAGE 147, LAWS OF 1897
AND 1898, AS AMENDED AND RE-
ENACTED BY CHAPTER 908,
PAGE 1006, LAWS OF 1899
AND 1900.
BUTTER.

Sec. 1899b. No person shall render or manufacture, sell or offer or expose for sale, or possess with intent to sell, any article made, wholly or partly, from any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk or cream, which shall be an imitation of yellow butter produced from pure unadulterated milk or cream, provided nothing herein shall prohibit the manufacture or sale of oleomargarine, butterine or kindred compounds in a separate and distinct form in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Sec. 2. It shall be unlawful for any keeper of any hotel, tavern, boarding house, bakery, restaurant, saloon, lunch counter or place of public entertainment to use oleomargarine, butterine, or kindred compound in baking, making of bread, cakes, etc., meat, or other edibles, or serve same to guests or patrons without first posting in their respective bakeries, stores, etc., in a conspicuous public place, in Roman letters, not less than one inch square, a sign or placard with the inscription, "Imitation Butter Used Here."

Sec. 3. A violation of Section 1 or 2 is punishable by a fine of not less than fifty dollars, nor more than two hundred and fifty dollars or imprisonment not exceeding six months.

Sec. 4. It is the duty of the Commissioner of Agriculture of this State to have samples taken of butter, oleomargarine or butterine or any adulteration of butter wherever offered for sale in the State, and have the samples analyzed by a chemist employed by the State Commissioner of Agriculture. It is the duty of said commissioner if he finds such article adulterated to so report to the Commonwealth attorney of the place where such sample was taken. A copy of said chemist's analysis when certified by him shall be admissible as evidence.

Sec. 5. Confers jurisdiction to impose penalties upon Justices of the Peace.

CHAPTER 56, PAGE 50, LAWS OF 1897
AND 1898.
CANDY.

Sec. 1898d. No person shall manufacture for sale, or knowingly sell, or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc, or other mineral substance or poisonous colors or flavors, or other ingredients deleterious to health.

Sec. 2. A violation of this act is punishable by a fine not exceeding two hundred dollars, nor less than twenty dollars. Candy so adulterated shall be forfeited and destroyed.

SUPPLEMENTAL TO THE CODE OF VIRGINIA, 1898.

ADULTERATION OF BUTTER AND CHEESE.

Sec. 1899a. No person shall manufacture out of any oleaginous substance, or any compound of the same, other than that produced from unadulterated milk or cream, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream, or sell or offer to sell the same as an article of food. This provision shall not apply to pure skimmed milk cheese made from pure skimmed milk. A violation of this section is punishable by a fine of not less than fifty dollars, nor more than one hundred dollars for the first offense, and not less than one hundred dollars, nor more than five hundred dollars for a subsequent offense.

Sec. 2. No person directly or indirectly shall render or manufacture out of any animal fat, or animal or vegetable oils, not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream of the same; nor compound or add to milk, cream or butter any acids or other deleterious substance, or any animal fat or animal oil not produced from milk or cream, so as to produce any article or substance or any human food in imitation of natural butter or cheese, nor sell, keep nor offer for sale any article made in violation of the provisions of this section, whether such article be made in this State or elsewhere. A violation hereof is a misdemeanor, punishable by a fine of not less than fifty dollars nor more than one hundred dollars for the first offense, and not less than one hundred dollars, nor more than two hundred and fifty dollars for a subsequent offense. Nothing in this section shall impair the provisions of the first section of this act.

Sec. 3. No person shall manufacture or mix with, or add to, natural milk, cream or butter, any animal fats or animal or vegetable oils, nor manufacture any oleaginous substance not produced from milk or cream with intent to sell the same for butter or cheese made from adulterated milk or cream, or possess same with intent to sell; nor shall any article so made be sold intentionally or otherwise for butter or cheese, the product of the dairy. No person shall coat, powder or color with annatto, or

any coloring matter whatever, butterine or oleomargarine, or any products made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream, whereby said product shall resemble butter or cheese, the product of the dairy, or possess same with intent to sell. A violation of the provisions of this section is a misdemeanor, punishable by fine as in the last preceding section. This section shall not impair the effect of the two preceding sections.

Sec. 4. No keeper or proprietor of any bakery, hotel, tavern, boarding house, restaurant, saloon or place of public entertainment shall keep or serve therein, either as food for their guests, or for cooking purposes, any article made in violation of sections one, two and three hereof. A violation of this section is a misdemeanor, punishable by a fine of not less than fifty dollars nor more than two hundred dollars for each offense.

Sec. 5. Confers jurisdiction to impose fines in the same court that exercises jurisdiction of all other criminal cases.

SESSION LAWS OF 1899-1900, PAGE 694.

ADULTERATED FOOD.

Section 1. Provides that for the purpose of protecting the people from imposition by adulteration and misbranding of articles of food, the Board of Agriculture shall cause to be procured from time to time, under rules and regulations to be prescribed by them, in accordance with section 9 of this act, samples of food, beverages and condiments offered for sale in the State, and cause same to be analyzed. The Board of Agriculture is hereby ordered to make such publication of the results of the examinations and so forth, as they deem proper.

Sec. 2. No person shall directly or indirectly knowingly manufacture, sell, or possess with intent to sell, any article of food adulterated or misbranded within the meaning of this act. Any person violating the provisions hereof shall for such offense be fined not exceeding two hundred dollars for the first offense, and not exceeding three hundred dollars, or confined in jail not exceeding one year, or both, for a subsequent offense.

Sec. 3. The chemists or other experts of the Department of Agriculture shall make examination of specimens of food, beverages and condiments offered for sale in Virginia, which may be collected from time to time. If it appear that any of the provisions hereof have been violated, from such examination, the Commissioner of Agriculture shall certify the fact to the commonwealth attorney for the city or county in which the offense shall have been

committed, and furnish such officer with a copy of the results of the analysis duly verified.

Sec. 4. It is the duty of every commonwealth attorney to whom the Commissioner of Agriculture reports any violation of this act to prosecute therefor.

Sec. 5. The term "food," as used herein, shall include all articles of food, candy, condiment or drink used by man or domestic animals, whether simple, mixed or compounded. The term "misbranded" shall include all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient as being contained or not being contained in such article, which statement shall be false in any particular.

Sec. 6. For the purpose of this act an article shall be deemed adulterated:

1. If any substance has been mixed or packed with it, so as to reduce or injuriously affect its quality or strength, so that when offered for sale it shall deceive or tend to deceive the purchaser.

2. If any inferior substance has been substituted, wholly or in part for an article so that the product when sold shall deceive or tend to deceive the purchaser.

3. If any valuable constituent has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

4. If it is an imitation of and sold under the specific name of another article.

5. If it be mixed, colored, coated, polished or stained, in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

6. If it contains any added poisonous ingredient which may render it injurious to health.

7. If it be labeled so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or an imitation either in package or label of an established proprietary product which has been trade marked, or patented.

8. If it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any part of an animal unfit for food, whether manufactured or not; or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter.

9. That candies and chocolates may be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous colors or flavors, or other ingredients deleterious to health; *provided*, an article of food, beverage or condi-

ment which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases:

1. In the case of articles, mixtures or compounds, which may now or from time to time hereafter, be known as articles of food, beverages, or condiments under their own distinctive names, and not included in definition 4th of this section.

2. In the case of articles labeled, branded or tagged, so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends.

3. When any matter or ingredient has been added to a food, beverage or condiment, because the same is required for the protection or preparation thereof, as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk weight, or measure, of a food, beverage or condiment, or conceal an inferior quality thereof, provided the same shall be labeled, branded or tagged as prescribed by the Board of Agriculture, so as to show them to be compounds and the exact character thereof; *provided, further*, nothing in this act shall be construed as requiring manufacturers of proprietary foods to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation; *provided, further*, that the provisions of this act shall not be construed to apply to proprietary or patent medicine; *provided*, that it shall not apply to baking powders containing starch, wheat flour, bi-carbonate of soda and exsiccated alum, but it shall apply to any baking powder containing any other ingredient than those specifically named above, which may upon analysis be found deleterious to health.

4. Where the food, beverage or condiment is unavoidably mixed with some harmless or extraneous matter in the process of collection or preparation; *provided*, no person shall be convicted under the provisions of this act when he is able to prove a written guarantee of purity, in the form approved by the Board of Agriculture as published in their rules and regulations, signed by the wholesale jobber, or party from whom he purchased said article.

Sec. 7. The Board of Agriculture is hereby authorized to cause all compounds, mixed or blended products, to be properly branded and prescribe how this shall be done.

Sec. 8. It shall be the duty of the Board of Agriculture to prepare and publish from time to time lists of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with section 6. The Board of Agriculture shall also, from time to time, fix and publish the limits of variabil-

ity permissible in any article of food, beverage or condiment, and these standards when so published shall remain the standards before the courts; *provided*, that when standards have been fixed by the Secretary of Agriculture of the United States they shall be accepted by the Board of Agriculture and published as the standards for Virginia.

Sec. 9. Every person who exposes for sale, or delivers to a purchaser, any condiment, beverage or food, shall furnish within business hours, and upon tender of the selling price thereof, a sample of such condiment, beverage or article of food, to any person authorized by the Board of Agriculture to secure same, and who shall apply to such manufacturer or other person, for such sample for such use in sufficient quantity for the analysis of such article in his possession.

Sec. 10. Any person refusing to comply with the above requirements, or who shall impede or otherwise prevent any chemist, inspector,

or other person in the performance of his duty, in connection with this, shall be guilty of a misdemeanor and fined not less than \$10 nor more than \$100, and imprisoned not more than one hundred days, or both.

Sec. 11. This act shall not interfere with any Inter-State Commerce Laws of the United States.

Sec. 12. Repeals all laws in conflict herewith.

SESSION LAWS OF 1901, PAGE 194.

FLOUR.

Section 1. Provides every barrel of flour manufactured in the state, or shipped into the state, shall contain 196 pounds of flour, and have the number of pounds contained therein plainly stamped on one head.

Sec. 2. A failure to so stamp the number of pounds, as aforesaid, is punishable by a fine of \$25, and the sale of every such barrel shall constitute a separate offense.

PURE FOOD LAWS OF WASHINGTON.

The Dairy and Pure Food Laws of the State of Washington are enforced by a Dairy and Food Commissioner and a State board of Dairy and Food Commissioners. The State Dairy and Food Commission is composed of the following members:

E. A. McDonald, Commissioner, Seattle.

Prof. Elton Fulmer, State Chemist, Pullman.

Miss Leah M. Lovetang, Deputy Dairy, Food and Oil Commissioner, Seattle, Wash.

Thos. Huggins, Deputy Dairy, Food and Oil Commissioner, Tacoma, Wash.

W. J. Timmons, Deputy Dairy, Food and Oil Commissioner, Bellingham, Wash.

T. E. Brickell, Deputy Dairy, Food and Oil Commissioner, Spokane, Wash.

Joseph Merchant, Deputy Dairy, Food and Oil Commissioner, Walla Walla, Wash.

AN ABSTRACT OF THE DAIRY AND FOOD LAWS IS AS FOLLOWS:

PART I.

Section 1. It is unlawful to sell, furnish or deliver to any creamery, cheese factory, corporation or person whatsoever, as pure, wholesome or unskimmed any unmerchantable, adulterated, skimmed, impure or unwholesome milk.

Sec. 2. In all prosecutions or other proceedings under this or any other law of this state relating to the sale or furnishing of milk, if it shall be proven that the milk sold, furnished or delivered or had in possession with

intent to sell or deliver as pure any unwholesome or unskimmed milk containing less than 3 per cent of butter fat or less than 8 per cent of milk solids other than fat when subjected to a chemical analysis or other satisfactory tests, or that is drawn from cows known to have been within 15 days before or 4 days after parturition, or from cows having any disease or ulcers or running sores, then and in every case said milk shall be held and adjudged to be unmerchantable, adulterated, impure or unwholesome, as the case may be, and if it shall appear that cows kept for the production of milk or cream for market, sale or exchange or for manufacture into articles of food, are kept in a crowded or unhealthy condition, or are being fed on distillery waste or other substance in a state of putrefaction or rottenness, or upon any substance of an unhealthy nature, the milk or cream from the same is declared impure and unwholesome. Any milk or cream exposed or contaminated by emanations, discharges or exhalations from persons or animals, or to which has been added any borax, boracic acid, salicylic acid or any other poisonous substance which prevents or tends to prevent the normal bacterial actions of milk is declared to be impure and unwholesome.

Sec. 3. The Washington State Dairy Commissioner is authorized and directed to issue to cheese manufacturers under such regulations as he may prescribe a uniform stencil or brand bearing a suitable device or motto and the

words "Washington State Full Cream Cheese." Every brand issued shall be used on the outside of the cheese, and have a certain number for each manufactory; and the commissioner shall keep a record of the name, location and number of each manufactory using said brand, and the name or names of the persons authorized to use the same; and it shall be unlawful to use or permit such stencil or brand to be used upon any other than full cream cheese or packages containing same or such cheese only as shall contain 30 per cent of pure butter fat and be manufactured from pure and wholesome milk from which no portion of the butter fat has been removed, or in the manufacture of which neither butter nor any substance for butter or any animal or vegetable fats or oils have been used, or fat extracted from milk in any form and returned for the purpose of filling said cheese shall be stamped with the "state brand"; and cheese containing less than 30 per cent of pure butter fat shall be marked "Skimmed Cheese" in full-faced capital letters not less than one inch high in ink not easily removed by moisture. The manufacture or sale of any cheese containing less than 15 per cent of pure butter fat or so-called "filled cheese" is prohibited: Provided this section shall not apply to Edam, Brickstein, Pineapple, Limberger, Swiss, hand-made or any other fancy cheese: Provided further that cheese not made in this state for sale here shall be so stamped as to indicate its true character: And provided further that no cheese shall be stamped "Full Cream" which does not in every particular comply with the requirements of "Washington Full Cream" cheese, except as to place of manufacture.

Sec. 4. The Dairy Commissioner shall furnish blanks to proprietors or managers of creameries, cheese factories or milk dairies that ship milk, and all vendors and peddlers of milk for the purpose of making a report of the amount of goods handled; and managers of such places, milk vendors or milk peddlers shall make an accurate report on said blanks to the Dairy Commissioner before the first day of November of each year. Every person engaged in purchasing or dealing in milk shall attach to each can furnished by him a tag containing in plain figures a correct statement of the capacity thereof. It is a misdemeanor to violate this section, punishable by a fine as provided in section 13: Provided information furnished as herein required shall be published in such form only as to show totals and averages, and not the details of the business of any individual or concern.

Sec. 5. Prohibits the manufacture, sale or service to patrons, guests, boarders or inmates of any hotel, eating house or public or private hospital, asylum, school or charitable or penal

institution of any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound not produced directly and wholly from unadulterated milk or cream, with or without harmless coloring matter in imitation of yellow butter produced from pure unadulterated milk or cream: Provided this act shall not prohibit the manufacture and sale of oleomargarine in a separate and distinct form, and in such a manner as will advise the consumer of its real character, free from colorations or ingredients that causes it to resemble butter, or the use of the same, when signs are displayed in public eating houses.

Sec. 6. It is unlawful to sell, exchange or have in possession for sale any cheese containing any substance except salt, rennet and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or half skimmed milk.

Sec. 7. The governor shall appoint a Dairy Commissioner. His term of office shall be four years.

Sec. 8. The Dairy Commissioner shall give bond in the sum of \$5,000.

Sec. 9. Said commissioner may appoint one or more deputies. They shall hold office at his pleasure; provided no deputy shall be employed at the cost of the state for more than 30 days in any one year; provided not more than six deputies shall be appointed.

Sec. 10. The Dairy Commissioner shall enforce the laws of this State regarding the production, manufacture or sale of dairy products, and personally inspect any articles of milk, butter, cheese or imitations thereof, and prosecutions under this law.

Sec. 12. The commissioner and his deputy shall have power to enter any creamery, cheese or condensed milk factory, store, salesroom, warehouse or any place or building where he has reason to believe that any dairy product or imitation of dairy products are kept, made, prepared, sold or offered for sale or exchange, and to open any cask, tub, package or receptacle containing any such article and cause same to be examined and analyzed; provided, if the person from whom such sample is taken shall request him to do so he shall at the same time and in the presence of such person seal up two samples of the article seized or taken, retaining one and giving the other to such person.

Sec. 13. Any person who shall violate this act or obstruct the dairy commissioner in the performance of his duties hereinunder shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not less than one month nor more than six months, or both.

Sec. 14. The Dairy Commissioner shall re-



E. A. McDONALD,
State Dairy and Food Commissioner.



PROF. ELTON FULMER,
Washington State Chemist.

WASHINGTON DAIRY, FOOD AND OIL COMMISSION

ceive an annual salary of twelve hundred dollars (\$1,200) and his necessary expenses in the discharge of his duties under this act; provided, that such expenses shall not exceed one thousand dollars (\$1,000).

Sec. 15. It is the duty of the Attorney General and the prosecuting attorney when called upon by the dairy commissioner to render any legal assistance to execute the laws in prosecuting cases arising under the provisions of this act: Provided such commissioner may employ special counsel when necessary.

Sec. 16. The Secretary of State, Professor of Agriculture of the Agricultural College, and the Dairy Commissioner are hereby created a State Board of Dairy Commissioners ex-officio.

Sec. 17. The State Board of Dairy Commissioners shall receive no compensation, but shall be allowed necessary traveling expenses. Expenses shall be certified by said State Board of Dairy Commissioners.

Sec. 18. The State Board of Dairy Commissioners shall biennially on December 1st make report to the governor. Said report shall include proceedings with reference to the dairy industries of this state, expenses and disbursements of the board, full and complete statistics as to the manufacture, import and export of dairy products, and such suggestions as they may deem proper.

Sec. 19. Provides the manner in which expenses incurred under this act shall be paid.

Sec. 20. Provides an appropriation of \$6,000 for the term beginning April 1st, 1899.

Sec. 21. Provides for the disposition of fines collected hereinunder.

Sec. 22. All clerks, bookkeepers, express agents, railroad officials or employees of common carriers shall render to the dairy commissioner or his deputy all the assistance in their power in discovering the presence of any article named in this act. Any refusal by them or any of them to render such friendly aid shall be a misdemeanor, punishable by a fine of not less than \$25 nor more than \$100, or imprisonment for not less than one month nor more than six months, or both.

Sec. 23. Prohibits the sale of any cream taken from impure or diseased milk or which contains less than 18 per cent of pure butter fat. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100, or imprisonment for not less than one month nor more than six months, or both.

Sec. 24. Every person who conveys milk in carriages, carts or other vehicles for the purpose of selling the same in any city or town in this state shall annually on the 1st day of June, or within 30 days thereafter, procure from the State Dairy Commissioner a license to sell

within the limits of said city or town, and shall pay to the commissioner therefor the sum of \$1 for each carriage, cart or other vehicle to be used as provided for in section 29. Licenses shall be used only in the names of the owners of such carts, carriages or vehicles, and shall be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each shall contain the name, residence and place of business, number of carts or other vehicles used, and the number of the license. Each licensee shall before engaging in the sale of milk cause his name and the number of the license and his place of business to be legibly placed on the outside of all carriages, carts or other vehicles used by him in the sale or conveyance of milk. Whoever without being first licensed sells milk from carriages, carts or other vehicles shall be deemed guilty of a misdemeanor and be punished by a fine of not less than \$25 for each offense nor more than \$100, or by imprisonment for not less than one month nor more than six months, or both; provided, this section shall not apply to persons handling or using the milk from not more than two cows.

Sec. 25. Every person before selling milk or offering it for sale in a store, booth, stand, or market place in any town or city, shall procure a license from the State Dairy Commissioner and pay to said commissioner the sum of \$1 yearly within 30 days after June 1st. Any person who neglects to procure such license shall be guilty of a misdemeanor, punishable for each offense by a fine not less than \$25 nor more than \$100, or by imprisonment for not less than one month nor more than 6 months, or both.

Sec. 26. Prohibits the sale of any milk from which cream has been removed, or commonly called "skimmed milk," without first marking the can or package containing same with the words "skimmed milk," in large, plain black letters at least one inch high and one-half inch wide, on the side not below the middle of said can or package where they can be easily seen. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100 for each offense, or by imprisonment for not less than 1 month nor more than 6 months, or both.

Sec. 27. Provides for the disposition of moneys received for licenses or goods confiscated by the Dairy Commissioner.

Sec. 28. Possession of any article or substance prohibited by this act is *prima facie* evidence of a violation hereof, and the commissioner is authorized to seize and upon order of court sell the same for any purpose other than to be used for food.

Sec. 29. The commissioner is authorized and directed to issue to manufacturers of

creamery butter a uniform brand bearing a device or motto and the words "Washington Creamery Butter." Every brand shall be used on the wrapper of each package and also on the outside of every package used by him, and contain a different number for each manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using said brand. It is unlawful to use or permit such brand to be used upon any other than Washington creamery butter, or package containing the same. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100, or by imprisonment for not less than 1 month nor more than 6 months, or both.

Sec. 30. Prohibits the manufacture or sale or possession with intent to sell butter known as "Process Butter," unless the package in which such butter is sold has marked on the side of it the words "Renovated Butter" in capital letters 1 inch high and $\frac{1}{2}$ inch wide with ink not easily removed: Provided that it shall be unlawful for any retailer to sell butter unless a card is displayed on the package with the following words printed thereon so that it may be easily read by the purchaser: "Renovated Butter," or if it is sold in packages on which a wrapper is used, the words "Renovated Butter" shall be plainly printed on each and every wrapper: Provided further that all process butter shipped from other states shall be subject to the same regulations as provided in this section. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100, or imprisonment not less than 1 month nor more than 6 months.

PURE FOOD LAW.

PART 2.

Section 1. Prohibits the sale or manufacture of any adulterated food within the meaning of this act.

Sec. 2. The term "food" shall include all articles used for food, drink or condiment by man, whether mixed, single or compound. The term "misbranded" as used herein includes all articles of food or articles used in the composition of food or condiments, the packages or labels of which shall bear any statement purporting to name any ingredient or substance not contained in such article which statement shall be false in any particular; or any statement purporting to name the substance of which said article is made, which statement shall not fully give the names of all the substances contained in the article in any measurable quantity, or which names as a single article of food any mixture or compound. The term "drink" as used herein shall not include

liquids containing 2 per cent or more of alcohol.

Sec. 3. An article shall be deemed adulterated in the case of food or drinks:

(1) If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength so that such product when offered for sale shall deceive or tend to deceive the purchaser.

(2) If any inferior or cheaper substance or substances has or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

(3) If any valuable constituent of the article has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

(4) If it be an imitation of or sold under the specific name of any other article.

(5) If it be mixed, colored, coated, powdered or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

(6) If it contains any added poisonous ingredients, or any ingredients which may render such article injurious to the health of the persons consuming it.

(7) If it be misbranded, labeled or branded so as to mislead or deceive the purchaser.

(8) If it consists of the whole or any part of a diseased, filthy, decomposed, or putrid animal or vegetable substance or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of any animal that has died otherwise than by slaughter: Provided, that an article of food which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases: First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under coin names and not included under definition four of this section. Second, in the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends: Provided, that the same shall be labeled, branded or tagged so as to show the character and constituents thereof. Third, when any articles or ingredient has been added to foods because the same is required for the preparation or production thereof as an article of commerce, in a state fit for carriage, consumption, and not fraudulently to increase the bulk, weight or measure of the food, or conceal the inferiority thereof: Provided further, that no dealer shall be convicted under the

provisions of this act if he shall prove a written guarantee of purity in a form approved by the Dairy and Food Commissioner: And provided further that the guarantor is a resident of the state of Washington. Fourth, when food is unavoidably mixed with some extraneous substance in the process of collection or preparation.

Sec. 4. The guarantee referred to in definition 8 of section 3 shall contain the full name and address of the person making the sale to the dealer, and such person shall be held liable to all prosecutions, fines or other penalties which would attach to the dealer under the provisions hereof.

Sec. 5. Possession of any article of food the sale of which is prohibited herein, or being the consignee thereof, is *prima facie* evidence that the same is kept or shipped in violation of this act; and the Dairy and Food Commissioner is hereby authorized to seize, open and take into possession such articles of food and apply to the superior court of the county in which the same are seized for an order directing him to dispose of or sell the same and apply the proceeds to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guarantee as required in section 4: Provided that said Dairy and Food Commissioner shall first give notice to the person in whose possession such goods are found, or if the same are found in the possession of the common carrier then to the consignee of such food, notifying such person that he has seized said goods and made application as aforesaid and that he will call said application for a hearing on a day certain not less than ten days from the service of said notice, and that said person shall show cause why the prayer of said petition should not be granted. Upon the hearing of said cause all affidavits and all testimony may be introduced to establish the contention of the respective parties. Hearing, however, may be had at an earlier date by mutual consent.

Every person selling, exhibiting or offering for sale, manufacturing or having in possession, or serving or delivering to a purchaser any article of food included in the provisions of this act shall furnish to any person demanding same, provided the price thereof be tendered, a sample sufficient for analysis of such article of food.

Sec. 7. The State Dairy Commissioner shall also be the State Food Commissioner, and shall be known as the Dairy and Food Commissioner; and he shall receive in addition to the salary as State Dairy Commissioner \$600 per year as extra compensation for enforcing the provisions of this act. He shall have power

to appoint deputies as may be necessary and pay therefor not to exceed \$3 per day: Provided, however, that the total salaries of all deputies employed by him shall not exceed the appropriation made therefor.

Sec. 8. It is the duty of the chemist of the State Agricultural Experiment Station to analyze any and all substances that the Dairy and Food Commissioner may send to him, and report to the commissioner without unnecessary delay the result of any analysis, and when called upon by the commissioner shall assist in prosecutions.

Sec. 9. It is the duty of the Attorney General and the prosecuting attorney of any county in this state when called upon by the Dairy and Food Commissioner to render legal assistance: Provided, the Dairy and Food Commissioner may employ special counsel.

Sec. 10. The Dairy and Food Commissioner or his deputy shall have power in the performance of their duties to enter any restaurant, eating-house, hotel, public conveyance, public or private hospital, school or charitable or penal institution where foods are served and take for analysis any article of food or ingredients which enter into the composition of foods there used. Any article of food or ingredients entering into the same if found to be adulterated shall be *prima facie* evidence that the same is kept to be used to serve to patrons, guests, boarders or inmates of such institutions; and the person owning or operating said restaurant, boarding house, hotel, etc., having in his possession adulterated foods shall be deemed to have same contrary to the provisions of this act.

Sec. 11. It is a misdemeanor to violate this act, punishable by a fine of not less than \$25 nor more than \$100; or in case of a second offense to be imprisoned not less than 30 days nor to exceed 90 days, or both fine and imprisonment. Any person guilty of selling or having in his possession with intent to sell or serve, or manufacturing any adulterated article of food under the provisions of this act, shall pay in addition to the penalties herein provided for the necessary costs and expenses in inspecting and analyzing such adulterated food: Provided penalties and costs shall be paid to the Board of State Dairy and Food Commissioners or to their agents.

Sec. 12. The State Dairy and Food Commission ex-officio shall be the State Board of Dairy and Food Commission, and said board shall be known as the State Board of Dairy and Food Commissioners.

Sec. 13. Provides for payment of expenses incurred under the provisions of this act.

Sec. 14. Requires the Dairy and Food Commissioner to publish a monthly report of the work of his office.

Sec. 15. Repeals an act to provide against the adulteration of food, approved March 13, 1899.

PART IV.

The rules and regulations as prepared by the State Dairy and Food Commissioner, and as set forth by him in a pamphlet entitled "Dairy and Food Laws of Washington and Rules and Regulations," published in 1901, are herewith presented in full as follows:

PART IV.—RULES AND REGULATIONS.

The term "misbranded" may be defined as follows: An article shall be considered misbranded if there is a false statement printed upon the label.

The brand or label on every article of food shall be printed in English, except where the foods are manufactured in a country not speaking the English language.

All mixtures, compounds, combinations, imitations, or blends shall be labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends, and the character and constituents thereof shall be plainly printed on the label.

Third, a coin name is defined as a word to designate any mixture, compound, combination or blend used as an article of food, which is, or has been, an addition to the vocabulary of the English language.

All drinks containing less than two per cent alcohol, soda water syrups and fruit syrups, shall not contain any saccharine, salicylic, benzoic or boric acid. All soda fountain syrups and fruit syrups, if artificial, shall have the word "artificial" printed on the label of the package, in the same size, style and color of letter and background as the name of the article. All soda fountains, or places where soft drinks are sold or served shall have printed on a placard the words "Artificial Drinks," and hung in front of the fountain or in a conspicuous place.

The use of coal tar dyes in coloring food products is prohibited.

Saccharine cannot be used in food products.

All eating houses, hotels, restaurants, etc., shall be subject to the same rules and regulations as provided for dealers of food products.

Refilling bottles, cans or dishes of any description with a different product than they contained originally, without removing the label, will be considered a violation of the law. Having on the table will be an evidence of serving.

All compound bulk goods shall be put up in packages which will show that they are compounds, with a statement of the character and constituents printed thereon.

The use of salicylic acid as a preservative is prohibited.

All decomposed, putrid, infected or rotten animal, vegetable or fruit substance, and articles, whether manufactured or not, cannot be sold without violating the law.

Baking Powders.—Baking powders can be sold without formula, but if labeled "Cream of Tartar," "Phosphate Powder," etc., shall state the character and constituents thereof, and shall contain no ingredients injurious to health.

Buckwheat Flour, if labeled "Buckwheat Flour," shall be true to name. It can be mixed with a substance not injurious to health if sold as "Buckwheat Flour Compound," with the character and constituents printed on the label. Buckwheat flour containing no other substance but for leavening and seasoning purposes may be sold if labeled "Self Rising Buckwheat Flour."

Butter.—It must be made exclusively of milk and cream. It may be colored with coloring matter not injurious to health. Every creamery shall secure a state brand from the commissioner. It shall be unlawful to use such brand upon any other than Washington creamery butter, or packages containing the same. Process butter in tubs or cases shall be marked "Renovated Butter" in capital letters one inch high and one-half inch wide, with ink which is not easily removed. Every print shall have on it a wrapper containing the words "Renovated Butter" printed thereon so that it may easily be read by the purchaser, and every tub from which it is sold shall have on it a card on which are the words "Renovated Butter" so that it may be read from any part of the room. All butter shipped into the state from other states is subject to the same rules and regulations.

Candy must not contain terra alba, barytes, talc or other earthy or mineral substances or any colors, flavors or ingredients injurious to health.

Catsup shall contain no ingredient injurious to health. Tomato catsup shall be the product of the tomato.

Cheese shall be made exclusively of milk or cream. Every cheese factory is required to secure from the commissioner the state brand. The brand shall be used on the outside of the cheese and shall have a different number for each separate manufactory. The said brand shall not be used on any other but full cream cheese, containing not less than 30 per cent of butter fat. All cheese containing less than 30 per cent of butter fat shall be marked "Skimmed Cheese" in full-faced capital letters not less than one inch high and one-half inch wide. The manufacture and sale of any cheese containing less than 15 per cent of butter fat or filled cheese is prohibited.

Coffee if sold as such shall be true to the name. It may be mixed with chicory or other substances not injurious to health, if marked so as to plainly indicate that it is a compound, with the character and constituents thereof printed on the label or package.

Coffee Substitutes.—Mixtures of cereals or other articles sold as a substitute for coffee shall be sold as a mixture or compound under an original or coin name.

Chocolate and Cocoas if containing no other cocoa mass, sugar and flavoring, will not be classed as an adulteration.

Cream of Tartar shall be pure and true to name. If compounded with any other article the character and constituents of the compound shall be stated on the package.

Extracts.—Vanilla shall be made from the vanilla bean. Extracts made of more than one principle shall be labeled with the name of each principle or with the name of the inferior or adulterant. For example, an extract made from vanilla and tonka shall be labeled "Extract of vanilla and Tonka" or "Extract of Tonka." In all cases it is understood that when an extract is labeled with more than one name the type used is to be similar in size, and the name of any one of the articles shall not be given greater prominence than the other. Extracts that are not made from the fruit, berry or bean and are made artificially, such as raspberry, strawberry, pineapple or banana, shall be labeled "Artificial flavor."

Farinaceous goods shall be true to name. Barley, hominy, cracked or rolled wheat or oats, tapioca and like articles shall be pure and unadulterated. If mixed or compounded with other articles shall be sold as a mixture or compound and not under the name of any ingredient contained therein. The compound shall show the character and constituents thereof.

Honey shall be pure. If mixed with glucose, cane sugar or other substances shall be labeled so as to show that it is a compound, with the names of the constituents printed on the package.

Jelly shall be true to name. Imitation fruit jellies, butters or other similar compound, made or composed in whole or in part of glucose, dextrine, starch or other substances may be sold if uncolored and are distinctly labeled "Imitation fruit, jelly or butter," with the character and constituents printed on the label or package.

Lard shall be true to name. Imitation lard in the manufacturers' packages shall be distinctly branded or labeled so as to show that it is a compound. The character and constituents of the compound shall be printed on the label. This also applies to small quantities when put up for immediate delivery.

Maple sugar and maple syrup shall be pure and true to name. They may be mixed with other sugar and syrup and sold as "Maple sugar compound" or "Maple syrup compound" with the character and constituents printed on the package.

Milk shall not contain less than 3 per cent of butter fat, and 8 per cent solids other than fats. A can containing milk from which the cream has been removed shall be labeled "Skimmed milk" in large, plain, black letters, each letter being at least one inch high, and one-half inch wide, said words to be on the side, not below the middle of said can or package. The sale of milk which is impure or adulterated, or from cows which are diseased, or being fed on distillery waste or other substances in a state of putrefaction or rottenness, or any substances of an unhealthy nature, or from cows kept by a family in which there is an infectious disease, is prohibited.

Molasses shall be branded with its true and proper name, and shall be true to same. If mixed with other syrups shall be sold as "Molasses compound," with the character and constituents stated on the package.

Oleomargarine shall not be sold in this state unless free from coloration or ingredient that causes it to look like butter. Oleomargarine shall be branded as such. Stores, hotels, restaurants, boarding houses, etc., shall have conspicuously hanging in the center or placed on the side of any store or room where it is sold or furnished, a white placard, on which is printed in black ink, in plain Roman letters the words "Oleomargarine sold here or used here," in letters which may be read from any part of the room.

Pancake Flour if containing more than one article shall be sold as a mixture or compound, and not under the name of any ingredient contained therein, and shall have on the label a statement of the character and constituents thereof.

Prepared Mustard.—Pure mustard, mixed with vinegar and spices, may be sold as "Prepared Mustard," but if any substance or substances are added to cheapen it, such as flour, etc., it shall be deemed adulterated unless the character and constituents thereof are stated on the package. Printed matter descriptive of the goods will be allowed upon the label below the words "Prepared Mustard."

Syrup.—Each barrel, cask, pail or bottle containing syrup, molasses or glucose shall be distinctly branded or labeled with the true and proper name of such article, and, if compounded, shall be sold as "Syrup Compound," with the constituents plainly printed on the package.

Spices shall be pure and true to the name. If compounded with any other article shall be

sold as a "compound" with the character and constituents of the compound stated on the package.

Vinegar.—All vinegars shall contain not less than $3\frac{1}{2}$ per cent of acetic acid, and shall not contain any preparation of lead, copper, sulphuric acid, or ingredients injurious to health. All vinegars made by fermentation and oxydation shall be branded "Fermented Vinegar," with the name of the fruit or substance from which the same is made. Shall be free from foreign substance and shall not contain less than $1\frac{3}{4}$ per cent of solids contained in the fruit or grain from which said vinegar is made, and not less than 2.5 of 1 per cent ash or mineral matter, the same being the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor shall be branded "Distilled Vinegar," and shall be free from artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substances, products or acids, and containing not less than $1\frac{3}{4}$ per cent of cider solids, may be sold as apple, orchard or cider vinegar.

Peas and pickles colored with copperas will be considered a violation of the law.

These rulings must not be considered as law, but as an interpretation of the law by the commissioner. The law is also published so that

you may use your judgment as to its meaning. In case of suit the law and not my rulings will be considered by the court.

FORM OF GUARANTY.

Wholesalers' and Manufacturers'

Guaranty.

(Form Approved by E. A. McDonald, State Dairy and Food Commissioner.)

(Blank & Blank), the undersigned, wholesalers (or manufacturers), in consideration of (Jones & Brown, Blank, Wash.), retail merchants, purchasing food from us, hereby guarantee that all food sold to them shall be such as is permitted to be used by that certain act of the legislature of the State of Washington, entitled, "An act to provide against adulteration of food and fraud in the sale thereof; creating a State Board of Food Commissioners, defining their duties, and providing for an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for the violation thereof, and making an appropriation, declaring an emergency, repealing 'An act to provide against the adulteration of food, approved March 13, 1899,' " which said act was approved March 16th, 1901; this guaranty to remain in force until revoked in writing.

Blank & Blank, ———, Wash.,

Wholesalers (or Manufacturers).

DECISION OF THE SUPREME COURT OF WASHINGTON ON FOOD LAWS.

OLEAGINOUS SUBSTANCES. Held that the code forbidding the sale of an oleaginous substance purporting to be or having the semblance of butter or cheese without some distinguishing mark and the use of imitation dairy products in eating rooms unless the prescribed notice is given, is repealed by Wash. Act of March 11, 1895; and that Sec. 5 repeals all acts and parts of acts in conflict with its provisions. *State vs. Allen* (Wash.), 44 Pac. 121, 14 Wash. 103.

COMPLAINT FOR SELLING OLEOMARGARINE. SUFFICIENCY. A complaint under the law of March 11, 1895, Par. 5, alleged that

the defendant sold "two pounds of an oleaginous substance compounded and colored in imitation of yellow butter, produced from pure milk or cream from the same, and such oleaginous substance and compound not having been directly and wholly, and at the time of the manufacture thereof, free from coloration or ingredients that caused it to resemble butter produced from unadulterated milk," etc., and it was held that the complaint was not good as it did not sufficiently state that it was made from unadulterated cream or milk. *State vs. Henderson*, 15 Wash. 598.





HAZEL-ATLAS GLASS COMPANY

MANUFACTURERS OF

GLASS JARS

For PACKERS' USE

WHEELING, - W. VA.

PURE FOOD LAWS OF WEST VIRGINIA.

The statutes of this state providing against the adulteration of articles of food or drink are but few. No provision has been made by the legislature for the enforcement of these laws. There is no food or dairy commission. The office of the Board of Agriculture is located in the Capitol Building, Charleston. The secretary is James O. Thompson. A digest of the laws is as follows:

CHAPTER 150.

Sec. 19. Provides that if a person knowingly sells any diseased or unwholesome provisions, whether food or drink, without making the same known to the buyer, he shall be imprisoned not more than 6 months and fined not exceeding \$100.

Sec. 20. If a person fraudulently adulterate, for the purpose of sale, anything intended for food or drink, or knowingly sell or exchange anything intended for food or drink, not what it is represented to be or sold for, he shall be imprisoned not more than 1 year and fined not exceeding \$500, and such adulterated articles shall be forfeited and destroyed.

Sec. 20a. Any person who manufactures,

sells or offers for sale, any substance purporting to be or resembling butter or cheese, and not made wholly from pure cream or pure milk, unless each package, roll or parcel thereof, or vessel containing one or more packages of the same has been distinctly, legibly and durably printed, stamped or marked thereon with the true name of such substance, and that it is not made wholly from pure milk or pure cream, as the case may be, and any person who sells to a consumer such substance not so marked or stamped without delivering to the customer a written or printed statement that it is not wholly made from pure milk or cream, shall be fined no less than \$10 nor more than \$100, and be imprisoned until the costs are paid, not exceeding three months. But nothing contained in this act shall be construed to prohibit the use of skimmed milk, salt, rennet, or harmless coloring matter in the manufacture of butter and cheese.

ACTS OF 1891, CHAPTER 8.

Section 1. From and after the passage of this act it shall be unlawful for any manufacturer or vendor of oleomargarine, artificial or

adulterated butter, to manufacture or offer for sale within the limits of this state, any oleomargarine, artificial or adulterated butter, whether manufactured within or without the state, unless the same be colored pink.

Sec. 2. Any person violating any provision

of this act shall be guilty of a misdemeanor and upon conviction be fined not less than \$20 nor more than \$100 for each offense.

Sec. 3. Any penalty arising under this act may be enforced by any magistrate within the county in which the offense occurs.

DECISIONS OF THE SUPREME COURT OF WEST VIRGINIA ON FOOD LAWS.

DISEASED MEAT, PROOF OF KNOWLEDGE.

On prosecution for selling diseased meat without disclosing the fact to the buyer it is sufficient to prove that defendant knowingly sold such meat. The presumption arises from such proof that the sale was unlawful, and the burden of proof is then on the defendant to show that he informed the buyer of the unsound condition of the meat. *Seibright vs. State*, 2 W. Va. 591.

OLEOMARGARINE. VALIDITY OF ACT.

An act providing that it shall be unlawful for any vendor or manufacturer of oleomargarine or artificial butter, to manufacture or offer for sale, within the state, such oleomargarine or artificial butter, whether manufactured within or without the state, unless it is colored a bright pink, is constitutional. *State vs. Meyers*, 42 W. Va. 822.

A STATE CAN PROHIBIT THE SALE. A

state can prohibit the sale of oleomargarine un-

less it is colored pink, no matter whether manufactured within the state or elsewhere. *State vs. Meyers*, 42 W. Va. 822.

VALIDITY OF COLOR REQUIREMENTS. A

statute requiring that all oleomargarine sold within the state must be colored a bright pink, is constitutional, even though it applies to oleomargarine manufactured without the state, and sold within it, because such a statute has for its object the prevention of fraud upon the public and is therefore a valid exercise of the police power. *State vs. Meyers*, 42 W. Va. 882.

POWER TO MAKE REGULATIONS. The

Norfolk City ordinance, prohibiting the sale of impure or unwholesome milk, prescribing a test, creating the office of milk inspector, and requiring him to make frequent inspections and to report all violations of the ordinance to the board of health, was a proper exercise of the police power. *City of Norfolk vs. Flynn*, 44 S. E. 717.

Purity—above everything—distinguishes Schlitz beer from the common.

There's a difference, of course, in the barley, the hops, the yeast. We use the costliest materials. But the goodness of Schlitz is mainly due to its healthfulness.

The artesian water used—the absolute cleanliness—the filtering of the beer, and of even the air that touches it—the extreme aging—the sterilizing of every bottle after it is sealed; those are the facts that make Schlitz what it is.

Those are the reasons why the demand for Schlitz exceeds a million barrels annually.

Yet no standard beer—no beer that is good for you—costs less.

Ask for the Brewery Bottling.



PURE FOOD LAWS OF WISCONSIN.

In the State of Wisconsin the pure food laws are enforced by a commission appointed for that purpose by the governor, consisting of the following members:

J. Q. Emery, Commissioner.

U. S. Baer, Assistant Commissioner.

Richard Fischer, Ph. D., Chemist.

A. T. Torge, Stenographer and Clerk.

F. M. Buzzell, Food Inspector.

James G. Moore, Creamery Inspector.

Fred Carswell, Dairy Inspector.

A. E. Kundert, Assistant Chemist.

Dairy expert agents who are paid by the Wisconsin Dairymen's Association: E. L. Aderhold, Neenah; Fred Marty, Monroe; T. Corneliussen, Belleville.

By the sessions laws of 1903, the Dairy and Food Commissioner is given power to appoint when needed, an assistant chemist at a salary not to exceed \$50 per month; and he is also given power to appoint two agents to inspect foods, etc., at a salary of \$3 per day for the time they are actually employed in the discharge of their duties.

The laws governing the administration of the manufacture, inspection and analysis of the food supplies in this state are in substance as follows:

1.—(Sec. 1410, Statutes of 1898.) The Dairy and Food Commissioner shall be appointed by the governor for two years. Said commissioner may appoint an assistant, chemist, and an agent for the inspection of milk dairies, factories and creameries. The compensation of such agent shall be \$3 per day and expenses. The commissioner may also appoint a stenographer and confidential clerk.

2.—(Sec. 1410a, Statutes of 1898.) It is the duty of the commissioner to enforce laws regarding the production, manufacture or sale of dairy products, the adulteration of any article of food or drink, or of any drug; and to inspect milk, butter, lard, syrup, coffee, tea, or other articles of food or drink or drug which may be impure, unhealthful, adulterated or counterfeit; and to prosecute for violations hereof. The district attorney in any county in which a violation of this law occurs shall assist said commissioner or his assistants. The commissioner shall have power to appoint, with the approval of the governor, special counsel to assist in any prosecution under this act for adulteration of dairy products.

3.—(Sec. 1410b, Statutes of 1898.) The commissioner or his agent or assistant shall have access to any barn or stable where any cow is kept or milked, and to any factory, building, dairy or premises where any dairy product is manufactured, handled or stored, where the

milk from such cow or such product is to be sold or shipped, and may enforce necessary measures to secure cleanliness in and around the same, and of any utensil used therein, and prevent the sale of diseased milk. Either of them may enter any place or into any building for the purpose of examining or analyzing the contents of any article of food, drink or drug. Either may take samples thereof for the purpose of having same analyzed; provided that upon the request of the person from whom same is taken two samples shall be sealed up, one of which shall be given to the commissioner and the other to the person from whom same is taken. The commissioner shall adopt a uniform stencil bearing the words "Wisconsin Full Cream Cheese" and a space for a number, and he may prescribe regulations for the use thereof for the proprietor or manager of any cheese manufactory. He shall register the name, location and number of each factory using such stencil.

4.—(Sec. 1410c, Statutes of 1898.) The State Board of Health, local boards of health, village boards or common councils, may submit to said commissioner samples of water or other drinks or food or drugs for analysis, and the same shall be examined and reports thereof made to the body of officers or others submitting the same; such reports shall be accepted in all courts and places as prima facie evidence of the properties or conditions of the articles analyzed.

5.—(Sec. 1410d, Statutes of 1898.) The governor may authorize the commissioner or his assistant to give such aid to Farmers' Institutes, Dairy and Farmers' Conventions, and the Agricultural Departments of the state as he may deem advisable. The necessary expenses of making the analysis contemplated in the foregoing shall be limited by the commissioner to \$600 annually.

6.—(Sec. 1607h, Statutes of 1898.) Any person who shall obstruct the Dairy and Food Commissioner of this state or his assistants in the performance of their duty, by refusing entrance to any place he is authorized to enter, or refusing to deliver samples of articles specified in this act, if the value thereof is tendered, shall be punished for the first offense by a fine not exceeding \$25 and for each subsequent offense by a fine not exceeding \$500 nor less than \$50.

SALE OF IMPURE MILK AND CREAM.

7.—(Sec. 4607, Statutes of 1898.) Any person who shall sell or furnish or deliver or have in his possession with intent to sell as pure, wholesome and unskimmed any unclean or un-



J. Q. EMERY,
Dairy and Food Commissioner.



U. S. BAER,
Assistant Dairy and Food Commissioner.



DR. RICHARD FISCHER,
Chemist.

WISCONSIN DAIRY AND FOOD COMMISSION

merchable or adulterated or impure milk shall be fined not less than \$25 nor more than \$100.

8.—(Sec. 4607a, Statutes of 1898.) In all prosecutions under any section of this act for the sale of unmerchable, adulterated or impure milk and cream which shall be proven to contain less than three per cent of pure butter fat under chemical analysis, or that has been diluted, or any part of the cream abstracted therefrom, or any part thereof drawn from a cow known to have been at the time it is drawn within fifteen days before or less than four days after parturition or known to have any disease, ulcers or running sores, then such milk shall be held or found to be unmerchable or adulterated, as the fact may be. Proof of adulteration or skimming may be made with standard tests and lactometers as are used to determine the quality of milk by chemical analysis.

9.—(Sec. 1, chapter 313, Laws of 1899.) Provides that no person shall sell, furnish or deliver milk or cream drawn from sick or diseased cows, or cows kept in a filthy or unsanitary condition; or from cows fed on refuse or slops from distilleries or vinegar factories, unless such refuse or slops be mixed with other dry sanitary grain or food of a consistency of a thick mush.

10.—(Sec. 2, chapter 313, Laws of 1899.) No person shall sell, furnish or deliver any milk or cream containing any foreign substance or coloring matter or any chemical or preservative, whether for the purpose of increasing the quantity of milk or cream or improving its appearance, or for preserving the sweetness thereof, or for any other purpose; provided this act shall not prohibit the sale of pasteurized milk or cream to which viscogen or sucrose has been added for the purpose of restoring the viscosity, if the same be distinctly labeled so as to advise the purchaser of its true character.

11.—(Sec. 3, chapter 313, Laws of 1899.) Any violation of this act is punishable by a fine of not less than \$25 nor more than \$100 for each and every offense.

IMITATION CHEESE AND BUTTER.

12.—(Sec. 4607c, Statutes of 1898.) Prevents the manufacturing or selling of any cheese manufactured by the use of skimmed milk to which has been added any fat which is foreign to such milk, and skimmed milk cheese or cheese manufactured from milk from which the fat originally contained therein has been removed, except such last mentioned is 10 inches in diameter and 9 inches high; also prevents the manufacture or sale of any article or compound made out of any fat or oleaginous substance or compound thereof not produced

from unadulterated milk or cream from the same, without admixture or addition of any fat foreign to said milk or cream, in imitation of yellow butter produced from said milk or cream with or without coloring matter, and declares a penalty for violation of this section of a fine of not more than \$500 nor less than \$50 for the first offense, and for each subsequent offense by imprisonment in the county jail not to exceed 60 days nor less than 10 days, or by a fine of not less than \$100 nor more than \$500, or both fine and imprisonment. Nothing in this section shall prohibit the sale or manufacture of oleomargarine in such manner as will advise the consumer of its real character and free from colorations or ingredients that cause it to look like butter.

13.—(Sec. 4607d, Statutes of 1898.) Provides that any person who shall sell to any purchaser for butter any oleomargarine, butterine, or any similar substance made in imitation of pure butter, not made entirely from the milk of cows, with or without coloring matter, or who shall sell oleomargarine, butterine, or substances not distinguished on the outside of each tub, package or parcel by a placard containing the word "oleomargarine," and not having also upon every package or parcel such word printed in plain uncondensed Gothic letters not less than one inch long, and not containing any other words thereon; or who shall sell oleomargarine, butterine or similar substances from any dwelling or public place without having conspicuously posted thereon a placard in letters not less than four inches in length with the words "oleomargarine sold here," or "butterine sold here," which placard shall be approved by the Dairy and Food Commissioner of the state; or who shall sell or deliver from any cart, wagon, or vehicle, oleomargarine, butterine or similar substances without having said vehicle placarded on both sides in uncondensed Gothic letters not less than three inches in length "Licensed to sell oleomargarine," or who shall furnish to any hotel, boarding house, restaurant or lunch counter, oleomargarine, butterine or any similar substance to any guest or patron thereof without first notifying such guest or patron that such substance is not butter, shall be punished as provided in the last preceding section.

14.—(Sec. 4607e, Statutes of 1898.) Prevents the use in any penal, charitable or correctional institutions of any butter or cheese not made wholly and directly from pure milk and cream, salt and harmless coloring matter, and punishes violations of this section by a fine not exceeding \$50 nor less than \$25 for the first offense, and for each subsequent offense by imprisonment in the county jail not more than

90 nor less than 10 days, or by fine not exceeding \$100 nor less than \$50, or both.

RENOVATED BUTTER.

15.—(Sec. 1, chapter 76, Laws of 1899.) Prevents the sale, exchange or delivery of renovated butter or butter which has been melted and its rancidity removed or masked, or which has been regranulated, colored and prepared in imitation of genuine creamery butter, unless same shall be marked on the outside of each package or parcel thereof by a label printed with the words "renovated butter," and upon every tub, package or parcel thereof a placard with such words printed, such words or brand in each case to be printed in plain uncondensed Gothic capitals not less than one inch long, and such placard shall contain no other words.

16.—(Sec. 2, chapter 76, Laws of 1899.) It is a misdemeanor to violate the foregoing section, punishable by a fine of not less than \$25 nor more than \$100.

FRAUD IN LABELING CHEESE.

17.—(Sec. 4438g, Statutes of 1898.) Any person who shall sell or consign cheese labeled with a false brand or label as to quality thereof, or shall use any stencil or label furnished by the Dairy and Food Commissioner of this state and bearing the words "Wisconsin full cream cheese" otherwise than upon the bandage on the side of full cream cheese, and upon the package containing the same, shall be punished by a fine of not more than \$50 nor less than \$25.

CLEANLINESS OF DAIRY COWS AND UTENSILS.

18.—(Sec. 4607j, Statutes of 1898.) Any person owning or managing a dairy, the product of which is sold for family use, who shall feed his cows upon unwholesome food, or keep them in unclean stables, or handle the milk in unclean utensils, shall be deemed guilty of a misdemeanor and fined not less than \$25 nor more than \$100 for the first offense nor more than \$200 nor less than \$100 for each subsequent offense.

FRAUD IN DAIRY MANUFACTORIES.

19.—(Sec. 1494a, Statutes of 1898.) Any butter or cheese manufacturer who shall use or allow any person to use any milk or cream brought to him without the consent of the owner thereof, or who shall refuse or neglect to keep a correct account of the amount of milk daily received, or of the number of pounds of butter and the number and aggregate weight of cheese made by him each day or of the number of cheese cut or otherwise disposed of, and the weight of each, shall for any and each offense forfeit not less than \$25 nor more than \$100,

one-half of which shall be paid to the person upon whom any such fraud has been committed, and who first complained thereof.

CHAPTER 43, LAWS OF 1903.

Section 1. In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of 2 cubic centimeters for each 10 per cent, marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent of butter fat contained in the same, or wherever the value of milk or cream is determined by the per cent of butter fat contained in the same by the Babcock test.

Sec. 2. Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell a milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 4 of this act.

Sec. 3. It shall be unlawful for the owner, manager, agent or any employe of a cheese factory, creamery, or condensed milk factory, to manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality or value of milk or cream or to make any false determination by said Babcock test or otherwise.

Sec. 4. Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and in default of payment thereof shall be imprisoned in the county jail not less than thirty days nor more than sixty days.

Sec. 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

SALE OF UNCLEAN AND UNSANITARY MILK.

AN ACT to prevent the sale of unclean and unsanitary milk and the use thereof in the manufacture of food products, and to prohibit unclean and unsanitary conditions of creameries, cheese factories and milk dealers' establishments or outfits.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. Milk which shall be drawn from cows that are kept in barns or stables which are not well lighted and ventilated, or that are filthy from an accumulation of animal refuse or from any other cause, or from cows which are themselves in a filthy condition, and milk in or from cans or other utensils that are not kept in a clean and sanitary condition, or milk to which has been added any unclean or unsanitary foreign substance, is hereby declared to be unclean and unsanitary milk; provided, that nothing in this act shall be construed to prohibit the sale of pasteurized milk or cream to which viscogen or sucrate of lime has been added solely for the purpose of restoring the viscosity, if the same be distinctively labeled in such manner as to advise the purchaser of its true character.

Sec. 2. No person, firm or corporation, shall knowingly offer or expose for sale, or sell, or deliver for sale or consumption, or to any creamery or cheese factory or milk condensing factory, or have in his possession with intent to sell any unclean or unsanitary milk.

Sec. 3. No person, firm or corporation, shall knowingly manufacture for sale any article of food from unclean or unsanitary milk or from cream from the same.

Sec. 4. All premises and utensils employed for the manufacture or sale or offering for sale of food products from milk or cream from the same which shall not be kept in clean and good sanitary condition are hereby declared to be unclean and unsanitary. Any milk dealer or any person, firm or corporation, furnishing milk or cream to such dealer, or the employe of such milk dealer, and any person, firm or corporation or the employe of such person, firm or corporation, who operates a creamery, cheese factory or milk condensing factory, or manufactures, re-works or packs butter for sale as a food product, shall maintain his premises and utensils in a clean and sanitary condition.

Sec. 5. Any person, firm or corporation, who receives any milk or cream in cans, bottles or vessels, which has been transported over any railroad, or boat line, where such cans, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles and vessels to be immediately washed and thoroughly cleansed and aired.

Sec. 6. Whoever violates any provision of this act shall, upon conviction thereof, be punished by fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and, in default of payment thereof, shall be imprisoned in the county jail not less than thirty days nor more than sixty days.

Sec. 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

DAIRY STATISTICS.

Section 1. It shall be the duty of the assessor of each town, village and city, at the time of making the annual assessment of property, to collect dairy statistics as follows:

Of creameries: The number, the value thereof, the number of patrons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of butter made, the amount of money received for products sold during the preceding twelve months;

Of cheese factories: The number, the value thereof, the number of persons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of cheese made, the amount of money received for products sold during the preceding twelve months;

Of milk condensing factories: The number, the value thereof, the number of patrons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of condensed milk produced, the amount of money received for the products sold during the preceding twelve months;

Of butter: The number of pounds made on farms, the value thereof;

Of cheese: The number of pounds made on farms, the value thereof;

Of milk: The number of gallons sold by producers other than that furnished or sold to creameries, cheese factories or condensed milk factories.

And said assessor shall make duplicate certificates of such statistics, one of which he shall file in the office of the town, village or city clerk, of his town, village or city as the case may be, and the other, with the clerk of his county, on or before the first day of August of the same year. The county clerk shall, on or before the fifteenth day of August of each year, forward to the secretary of state, to be kept in his office, a certificate of the aggregate number of each of said items or products in his county as ascertained and compiled from the certificates of said assessors.

Sec. 2. It shall be the further duty of each said assessor at the aforesaid time, to make duplicate lists comprising the name and location of each creamery, cheese factory and milk condensing factory located in his town, village or city, and the name and postoffice address of each owner or manager thereof, and the name and postoffice address of each buttermaker or cheesemaker thereof. He shall file one of said

duplicate lists in the office of the town, village or city clerk of his town, village or city, as the case may be, and the other with the clerk of his county, on or before the first day of August of the same year. The county clerk shall, on or before the fifteenth day of August of each year, forward to the secretary of state, a corresponding complete list for his county as ascertained from the lists of said assessors.

For the purposes of this act, the term creamery or cheese factory, shall mean a creamery or cheese factory, in which the milk or cream from not less than three separate herds of cows is manufactured into butter or cheese respectively.

Sec. 3. The secretary of state shall compile in suitable form the information by him received, as provided in the preceding sections, and certify the same to the dairy and food commissioner before the first day of September of each year.

Sec. 4. The secretary of state shall prepare and furnish to the proper officers all blanks and instructions necessary for carrying out the provisions of this chapter.

Sec. 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

ADULTERATION OF FOOD, DRUGS OR LIQUORS.

20.—(Sec. 4599, Statutes of 1898.) Any person who shall sell corrupted or unwholesome provisions, whether for meat or drink, without notifying the buyer thereof, shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding \$100.

21.—(Sec. 4600, Statutes of 1898.) Any person who shall sell, exchange or deliver any drug or article of food which is adulterated shall be fined not less than \$25 nor more than \$100 or imprisoned in the county jail not less than 30 days nor more than 4 months. The term "drug" as used in this section shall include all medicines for internal or external use, antiseptic, disinfectant or cosmetic; the term "food" as used herein shall include all articles used for food or drink by man, whether single, mixed or compound.

22.—(Sec. 4601, Statutes of 1898.) An article shall be deemed to be adulterated within the meaning of the preceding section:

1. In the case of drugs: First, if, when sold under or by a name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down in the latest current edition thereof; second, if, when sold under or by a name not recognized in said pharmacopoeia, but which is found in

the pharmacopoeia of some other country, the national formulary or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in the latest current edition of such work; third, if its strength, quality or purity falls below the professed standard under which it is sold.

2. In the case of food: First, if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its strength, quality or purity; second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable or necessary ingredient has been wholly or in part abstracted from it; fourth, if it is an imitation of, or sold under the name of, another article; fifth, if it consists, wholly or in part, of a diseased, infected, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not; sixth, if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; seventh, if it contains any added substance or ingredient which is poisonous, injurious, or deleterious to health, or any deleterious substance not a necessary ingredient in its manufacture;

Provided, That articles of food which are labeled, branded or tagged in a manner showing their exact character and composition and approved by the dairy and food commissioner of the state, and not containing any poisonous or deleterious ingredient, shall not be deemed adulterated in the case of mixtures or compounds sold under their own distinct names or under coined names and which articles, if substitutes, are not in imitation of, or sold under, the name of any other article of food; and

Provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas, except so far as may be necessary to secure freedom from adulteration, imitation or fraud.

Sec. 2. This act shall take effect and be in force from and after its passage and publication as amended by laws of 1903.

23.—(Sec. 4601 a, Statutes of 1898.) Any person who shall pack, can or preserve fruits, vegetables or food, or sell, exchange or deliver such canned articles, with the exception of goods brought from foreign countries, unless such articles be labeled with the grade or quality of the same, and with the name and address of the person, firm or corporation packing, canning or preserving the same, or the dealer who sells the same, shall be fined not less than \$25 nor more than \$100, or be im-

prisoned in the county jail not less than 30 days nor more than 4 months.

24.—(Sec. 4607 b, Statutes of 1898.) Any person who shall make or manufacture baking powder or any compound intended for use as baking powder, or sell or exchange or deliver such baking powder or compound, which contains alum in any form or shape, unless the presence of the same be distinctly shown by a label on the outside and face of which is printed with black ink in legible type no smaller than brevier heavy Gothic caps, the name and residence of the manufacturer and the words "THIS BAKING POWDER CONTAINS ALUM," shall be punished as provided in the preceding section.

25.—(Sec. 4601 c, Statutes of 1898.) Any person who shall sell, exchange or deliver any medicine known as patent or proprietary, or of which the formula is kept secret by the manufacturer, which contains morphine, strychnine, cocaine or poisonous or narcotic alkaloid or drug, in any quantities which the State Board of Health shall deem harmful to the life or health of the public, unless the presence of the same be distinctly shown by the label upon the bottle or package, and upon the outer wrapper thereof, shall be punished as provided in section 4601 a (paragraph 23).

26.—(Sec. 4607 f, Statutes of 1898.) Any person who shall sell honey or imitations thereof which is adulterated with glucose or any other substance without marking the package containing same with the words "adulterated honey" in letters not less than one-half inch in length and of proportionate breadth on the upper portion of the package or parcel containing same, shall be punished by a fine not to exceed \$100 nor less than \$10, or by imprisonment in the county jail not more than six months nor less than 10 days.

27.—(Sec. 4605 a, Statutes of 1898.) Any owner of a diseased apiary, or honey made or taken from such apiary, or appliances taken therefrom, who shall sell, barter or give away any such apiary or appliances or bees therefrom, expose other bees to the danger of contracting such disease, or refuse to allow the inspector of apiaries to inspect such apiary, honey or appliances, shall be fined not less than \$50 nor more than \$100, or be imprisoned in the county jail not less than one month nor more than two months.

28.—(Sec. 4607 g, Statutes of 1898.) Any person who shall sell or give away for use as food, or can or pack for the purpose of transporting, any unwholesome, stale, emaciated or measly meat, or the flesh of any diseased animal or animal not slaughtered for the purpose of food, knowing the same to be as above described, and any person owning and operating

any slaughter-house who shall receive for killing or kill any diseased animal, or render the carcass of any animal that shall die from disease or in consequence of exposure, or that shall not have been slaughtered for food, such person or persons shall be punished by imprisonment in the county jail not to exceed six months nor less than 10 days, or by a fine of not more than \$100 nor less than \$10, or both fine and imprisonment. Any corporation shall be fined not more than \$500 nor less than \$10.

29.—(Sec. 4607 i, Statutes of 1898.) Any manufacturer who shall manufacture or sell any vinegar not the sole product of pure apple juice, known as apple cider, or vinegar not made exclusively therefrom, or into which foreign substances, drugs or acids have been introduced, or which contains any preparations of lead, copper, sulphuric acid, artificial coloring matter, or other ingredient injurious to health, or who shall label, brand or sell as cider or apple vinegar, vinegar not the legitimate product of pure apple juice made exclusively from apple cider, or any vinegar which shall not have an acidity equivalent to four per cent by weight of absolute acetic acid, and, in addition, in case of cider vinegar, not less than 2 per cent by weight of cider vinegar solids upon full evaporation over boiling water at 212 degrees Fahrenheit; and any manufacturer of vinegar, and any person who reduces or rebarrels vinegar, or handles vinegar in quantities of one barrel or more, who shall fail to stencil or mark in black figures at least one inch in length, on the head of each barrel or package of said vinegar, the standard strength of said vinegar, denoted by the per cent of acetic acid therein, or who shall falsely mark such package or barrel, shall be fined not exceeding \$100 nor less than \$10.

30.—(Sec. 4607 k, Statutes of 1898.) Prevents the sale for domestic, culinary or drinking purposes of any ice which contains mud, decayed vegetation, animal or foreign matter, or malarial substance. Every person selling ice shall have posted on his or its wagons in a conspicuous manner the name of the place from which the ice was cut or manufactured; and persons selling ice or handling impure ice to be used for cooling purposes only shall have their wagons so labeled. It is a misdemeanor to violate this section, punishable by a fine of not less than \$50 nor more than \$100.

31.—(Sec. 4606, Statutes of 1898.) Any person who shall fumigate any barley, wheat or any other grain by the use of sulphur or any other substance, or shall affect the color or healthfulness of such grain, or sell the same knowing that it has been so fumigated or colored, shall be punished by imprisonment in the

county jail not more than one month, or by a fine not exceeding \$50.

FLAXSEED OR LINSEED OIL.

32.—(Sec. 1, chapter 234, Laws of 1899.) No person shall manufacture or sell any flaxseed or linseed oil for other than food purposes unless the same answers a chemical test for purity recognized in the United States Pharmacopoeia, or any flaxseed or linseed oil as "boiled linseed oil" unless the same shall have been put in its manufacture to a temperature of 225 degrees Fahrenheit.

33.—(Sec. 2, chapter 234, Laws of 1899.) No person shall sell or dispose of any flaxseed or linseed oil except under its true name, and except each tank car, barrel, keg or vessel containing same has stenciled thereon in ordinary full-sized capital letters not less than five-line pica in size the true name thereof and the words "pure linseed oil, raw," or "pure linseed oil, boiled," as the fact may be, and also the name and address of the manufacturer or dispenser thereof.

34.—(Sec. 3, chapter 234, Laws of 1899.) Prevents the adulteration of any "pure linseed oil, raw," or "pure linseed oil, boiled," by adding any oil or substance for the purpose of selling such mixture or compound as the pure article; also prevents the stamping, stenciling or marking of any tank car, barrel keg or vessel so as to falsely represent that it contains either "pure linseed oil, raw," or "pure linseed oil, boiled," nor so as to falsely represent the manufacturer thereof.

35.—(Sec. 4, chapter 234, Laws of 1899.) For a violation of the provisions of this act any person shall be fined not less than \$50 nor more than \$500, or be imprisoned in the county jail not more than six months.

36.—(Sec. 5, chapter 234, Laws of 1899.) It is made the duty of the Dairy and Food Commissioner to enforce this act and to inspect any flaxseed or linseed oil offered for sale in this state, and any vessels containing the same, which he may have reasons to suspect, and to prosecute violations hereof.

RULINGS MADE BY THE COMMISSIONER.

Artificial Coloring.—Artificial coloring, though it be harmless, must not be used to conceal damage or inferiority or to make food products appear better or of greater value than they really are.

Baking Powder.—Baking powders containing alum in any form or shape must have its presence distinctly shown by a label on the outside and face of which is printed: "THIS BAKING POWDER CONTAINS ALUM." The label must be printed in black ink, in legible type, not smaller than brevier heavy

gothic caps, and must give the name and address of the manufacturer in type of the same kind.

Buckwheat Flour.—Buckwheat flour if labeled "Buckwheat Flour," must be true to name. Buckwheat flour may be mixed with other flour and sold as "Compound Buckwheat and ——— Flour," using the name of the other flour in place of the blank. The label must disclose the true character and composition of the article. Buckwheat flour may be mixed with self-rising ingredients not injurious to health and sold under a name that discloses the true character and composition of the mixture, such as "Compound Self-rising Buckwheat Flour."

Candy.—Candy must be free from inert mineral matters and must not be colored with substances deleterious to health.

Catsup.—Catsup must be labeled so as to show its true character and composition, as, "Tomato Catsup," "Mushroom Catsup," "Walnut Catsup," etc., and must not contain preservatives or coloring matter deleterious to health. If harmless preservatives or artificial coloring is used, that fact, and the name or names of the specific substance or substances must be disclosed on the label.

Cheese.—The Dairy and Food Commissioner is authorized to issue to the owner or manager of each factory making FULL CREAM CHEESE a stencil containing the number of the factory and the state brand, "WISCONSIN FULL CREAM CHEESE."

The manufacture and sale of filled cheese is prohibited.

The manufacture and sale of skimmed cheese is prohibited, except when such cheese is made ten inches in diameter and nine inches in height.

Chocolate and Cocoa.—Chocolate and Cocoa when made only from cocoa mass, sugar and glycerine may be sold under the name "Prepared Cocoa" or "Sweet Chocolate."

Coffee.—Coffee sold as such must be true to name. It must not be coated or polished to conceal inferiority. Substitutes containing no coffee cannot be sold as coffee compounds, but may be sold under their true or coined names. Compounds of coffee and chicory, or of coffee and any harmless substitute allied to it in either flavor or strength and not used simply as an adulterant, may be sold when labeled "Coffee and Chicory Compound" or "Coffee and ——— Compound, etc."

Canned Goods.—Canned goods must be distinctly labeled with grade or quality of the goods, together with the name and address of the seller and manufacturer.

Cream of Tartar.—Cream of Tartar must

be pure and true to name. All compounds are unlawful.

Extracts.—Artificial extracts can be manufactured and sold only in cases where it is not possible to produce an extract from the fruit itself. Extracts of this class must be distinctly labeled as "Artificial Extracts."

Extract of Lemon, Essence of Lemon or Spirits of Lemon, sold as such, must contain at least five per cent of the pure oil of lemon dissolved in ethyl alcohol.

Such mixtures or compounds as "Water Soluble Lemon Flavor" or "Terpeneless Lemon Flavor," made from lemon peel or from oil of lemon, or from both, must not be sold as "Extract of Lemon" or "Essence of Lemon" or "Spirits of Lemon;" but if of equivalent strength and labeled, branded or tagged in a manner showing their exact character and composition, and approved by the Dairy and Food Commissioner of the state, and not containing any poisonous or deleterious ingredients, will be recognized as legitimate substitutes, and when sold as articles of food under their own distinct names as stated above and not under the name of any other article of food, such sale will not be contested by this Commission as unlawful.

Extract of Vanilla must be made wholly from vanilla beans, and must contain no artificial coloring. The color of vanilla extract is considered an indication of its strength, and artificial coloring in such case would be used for the purpose of concealing inferiority and of making the article appear better than it really is.

When other flavoring substances are used, such as Vanillin, Coumarin or Tonka, the extract must be labeled so as to show the purchaser its true character: as, "Compound Extract of Tonka and Vanillin." The label "Compound Extract of Vanilla" will not be deemed sufficient notice of the character and composition of the article. In all cases it is to be understood than when an extract is labeled with more than one name, the type used is to be similar in size, and the name of any one of the articles used is not be given greater prominence than another.

Farinaceous Goods.—Farinaceous Goods must be true to name. Barley, Hominy, Cracked or Rolled Wheat or Oats, Tapioca and like articles must be pure and unadulterated. If mixed or compounded with other articles, must be sold as a mixture or compound under their true or coined names. Packages containing mixtures or compounds of this kind should be labeled with the name and address of the manufacturer or compounder thereof.

Honey.—Honey adulterated with glucose or

any other substance not deleterious to health may be sold if the package or parcel containing the same is labeled "Adulterated Honey," in letters of not less than one-half inch length and proportionate breadth, on the upper portion of the package or parcel containing such honey. The sale of honey is regulated by a special law enacted in 1881. It appears in the last revision of the statutes, the revisers evidently holding that it was not repealed by the pure food law of 1897.

Jellies.—Artificial Fruit Jellies, Jams, Preserves, Fruit Butter, co-called "Pie Filling," or other similar mixtures or compounds, made or composed, in whole or in part, of Glucose, Dextrin, Starch or other substances, must not be colored in imitation of natural fruit products; but if uncolored, may be sold for what they are when labeled in a manner showing their exact character and composition and approved by the Dairy and Food Commissioner of the state, and when they are free from ingredients deleterious to health. Such artificial mixtures or compounds must be labeled with (first) the word "Compound," (second) the word "Glucose," and (third) the name of the fruit or dextrin, or starch, or other substance, entering into the artificial product. To illustrate: In case of artificial jelly consisting of glucose with an apple base, the label should be "Compound Glucose Apple Jelly." If the fruit is currant, the label should be "Compound Glucose Currant Jelly." If the base is starch, the label should be "Compound Glucose Starch Jelly." In case of other mixtures or compounds, as mentioned above, the label should be "Compound Glucose Starch Pie Filling," "Compound Glucose Apple Jam," etc., according to their true character and composition.

Substitute mixtures or compounds cannot lawfully be sold in imitation of or under the name of any other article of food.

Lard.—Substitutes for lard must not be sold under the name of lards. Compounds containing lard can be sold when labeled in a manner showing their true character and composition and approved by the Dairy and Food Commissioner of the state, such as "Compound Lard and _____."

Maple Sugar.—Maple sugar and maple syrup must be true to name. Any mixture or compound made in imitation of, or sold under the name of any other genuine food article is an unlawful adulteration. But mixtures or compounds may be sold under their own distinct names or under coined names, if such mixtures or compounds, being substitutes, are not in imitation of nor sold under the name of any other article of food, and are labeled so

as to show their exact character and composition.

Meat.—Chapter 243 of the laws of 1901 provides that "Any person who by himself or his agents shall make, manufacture, offer or expose for sale any sausage or chopped meat compound containing any artificial coloring or dye or chemical preservative or antiseptic, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than seventy-five nor more than two hundred dollars."

Milk.—All milk offered for sale or sold or delivered to creameries or cheese factories must be from clean, healthy cows, of clean, pure and wholesome character, free from preservatives or any foreign substance, and must contain not less than 3 per cent butter fat."

Producers and dealers in milk and cream are especially warned against the use of preservatives.

The preparations for keeping milk and cream sweet that are widely advertised in this state as being harmless, have been condemned by leading authorities both in this country and in Europe, as being prejudicial to the public health.

Their use is prohibited by a plain statute which fixes a minimum penalty of \$25 for its violation.

Preservatives are used to avoid the effects of careless and unclean methods.

Milk and cream will remain sweet without the use of poisonous drugs long enough for sale and consumption if produced from clean cows, in clean barns, by clean men, using clean utensils.

The health of invalids and children is of more importance to the state than the prosperity of manufacturers and dealers in the makeshifts of uncleanness.

Mustard.—Dry mustard must be pure.

Prepared mustard must be free from starch or adulterant of any kind, and, if consisting of mustard, vinegar and spices, may be sold when labeled "Prepared Mustard."

A preparation of mustard, vinegar, spices and enough filling or starch to make a mustard of mild flavor to meet a legitimate demand which undoubtedly exists, may be sold when labeled "Prepared mustard Compound." Harmless coloring matter may be used in preparations of mustard only to secure uniformity of appearance.

Oleomargarine.—Oleomargarine which shall be in imitation of yellow butter can not be lawfully sold. Oleomargarine free from coloration or ingredient that causes it to look like butter can be manufactured and sold under its own name when properly labeled. Each tub,

package and parcel must be marked by a placard bearing the word "Oleomargarine," printed in plain, uncondensed gothic letters not less than one inch long, and such placard shall contain no other words thereon.

All stores and places of business from which oleomargarine shall be sold must have conspicuously posted a placard, to be approved by the Dairy and Food Commissioner, containing the words, printed in letters not less than four inches in length, "Oleomargarine Sold Here."

It is unlawful for hotel, restaurant or boarding house keepers to furnish their guests with butter substitutes without notifying such guests that the substitutes so furnished are not butter.

A bill of fare furnished guests and containing a statement that oleomargarine is used will be deemed a sufficient notice.

No imitation butter or cheese can be used in any of the charitable or penal institutions of this state.

Renovated Butter.—Renovated Butter, which is butter of inferior quality melted, regranulated, churned with milk and worked over into the appearance of fresh creamery butter, must be labeled "Renovated Butter" upon each package and parcel.

Saccharine.—Saccharine in foods is held to be an unlawful adulterant.

Spices.—All spices must be pure. Any mixture of any foreign article in any spice is an adulterant. An adulteration of spices cannot be remedied by the label "Compound."

Sirup.—Sirup is a product obtained from the juice of a sugar (cane sugar) producing plant; such as sugar cane, sorghum and maple. Only such products are lawfully salable under the name "Sirup." Glucose or corn sirup should be sold as such. Though there is little difference in the food value of sirup and glucose or corn sirup, there is a distinct difference in the sweetening power of the two, so that it must be considered that the sale of glucose or corn sirup as and for sirup is a fraud and a violation of law. Compounds or mixtures of sirup and glucose or corn sirup should be labeled and sold as "Glucose Mixture," "Glucose," or "Corn Sirup."

Molasses containing glucose should be labeled and sold as "Glucose Molasses Mixture," as the value of molasses is dependent upon a pungent flavor peculiar to itself, and not found in glucose or corn sirups.

Vinegar.—All vinegar must contain four per cent of acetic acid. Cider vinegar must contain two per cent of apple solids. It is unlawful to label spirit vinegar as fruit vinegar. Spirit vinegars may be colored with harmless coloring matter and sold for what they are.

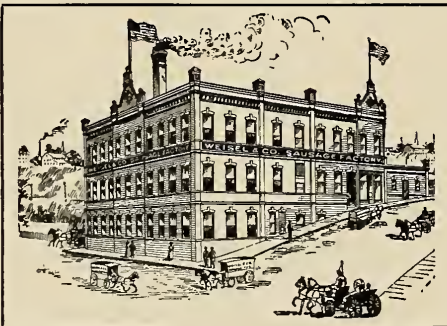
DECISIONS OF THE SUPREME COURT OF WISCONSIN ON FOOD LAWS.

ADULTERATION. RECOVERY OF PENALTY. Under the law regarding the adulteration of food and drink a penalty may be recovered in a civil action by the state for the first offense. The penalty is not a fine and the first offense is not a misdemeanor. *State vs. Grove*, 77 Wis. 448.

FALSE CHARGES. ADULTERATED BUTTER. LIBEL. Where a newspaper falsely accuses a dealer of selling adulterated butter, and goes on to state that the butter is 40 per cent butter and the rest grease, and that persons buying such article are misled into buying it for butter, it is held that such words are actionable per se; and that such words injure the dealer individually and as a dealer in the article, and would be the cause of a morbid turpitude against him. *Dabold vs. Chronicle*, 107 Wis. 357.

FISH INSPECTOR. POWER. LIABILITY. The power of a fish inspector to determine the quality and healthfulness of fish offered for sale on the markets of a city, and if found to be unwholesome or unfit to be eaten, to condemn and destroy it, is judicial in its nature, and he is not liable to any one in an action for damages, however ignorantly, negligently or carelessly he may act, in the exercise of such power, provided he keep within his jurisdiction. *Fath vs. Koepel*, 72 Wis. 289.

MILK. EVIDENCE. Held that evidence that cheese made from milk, which was lumpy and bloody, is bloated and puffed and inferior in quality, and that some cheese manufactured from milk furnished by defendant in common with others was so bloated and puffed, is insufficient to show that the milk which the defendant furnished was lumpy or bloody. *Bilgrien vs. Dowe*, 91 Wis. 393.



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PURE FOOD LAWS OF WYOMING.

The pure food laws of the State of Wyoming are enforced by a State Chemist, who shall be the regular Professor of Chemistry in the University of Wyoming, said Chemist receives a salary of \$200 per year, and the Board of Trustees of the University are given power to appoint an Assistant Chemist at a salary of \$100 a year. It is made the duty of the ex-officio city health officers provided for by the State Board of Health and the State Board of Medical Examiners to collect samples and forward the same to the State Chemist for analysis and otherwise carry out the provision of the pure food laws.

STATE BOARD OF HEALTH.

Fenimore Chatterton.

LeRoy Grant.

Henry G. Hay.

State Chemist—Henry G. Knight.

Assistant State Chemist—Ross Moudy.

ARTICLE I.

STATE CHEMIST—DUTIES—SALARY—EXPENSE.

Section 1.—The office of State Chemist is hereby created for the State of Wyoming, and shall receive a salary of two hundred dollars per year. Such Chemist shall be the regular professor of chemistry in the University of Wyoming. He shall enter upon his duties on the 30th day of September, 1903. It shall be his duty to make or cause to be made a chemical analysis of such foods, drinks, drugs, illuminating oils or other material relative to the enforcement of this act, as shall be submitted to him or shall be deemed advisable for such analysis, and make a full and complete written report of the same, and when so requested it shall be his duty to testify in court. He shall receive his necessary traveling expenses to be paid by the State of Wyoming when employed in performing the provisions of this act, which shall not include the chemicals and apparatus necessary for the proper fulfilment of his duties.

ASSISTANT PROFESSOR OF CHEMISTRY—SALARY—DUTIES.

Sec. 2. The Board of Trustees of the University of Wyoming are hereby authorized and empowered to employ an assistant to the regular professor of chemistry, who shall receive a salary of ten hundred dollars per year for his services, to be paid by the State of Wyoming out of any moneys not otherwise appropriated, the same to be paid by the State Auditor in the manner provided for the payment of other ac-

counts against the State. The Assistant Chemist shall keep his office at the University of Wyoming, and the Board of Trustees of said University shall furnish the necessary room for the carrying out of the provisions of this act. The Assistant Chemist shall perform such duties as he may be required to perform by the State Chemist.

CONTINGENT EXPENSES LIMITED TO APPROPRIATION.

Sec. 3. The necessary traveling expenses and expenses for the purchase of apparatus, chemicals, etc., shall be paid from any appropriation made by the Legislature as a contingent fund for the State Chemist, provided that the expenses shall be limited to the appropriation made.

ANNUAL REPORT.

Sec. 4. The State Chemist shall keep a seal with which to attest official acts and documents. He shall make an annual report to the Governor on or before the first day of October of each year, which shall contain itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value to the administration or public at large, and said report may be published annually as public documents of the State of Wyoming, as may be provided by law.

STATE CHEMIST—BOND.

Sec. 5. Before entering upon the discharge of his official duties, the State Chemist shall give bond in the sum of one thousand dollars (\$1,000) to the State of Wyoming, which shall be furnished by some responsible surety company, which shall be accepted by the Governor, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity, and for the faithful performance of the duties of his office as the same are prescribed by law; which bond, with his oath of office indorsed thereon, shall be filed with the Secretary of State.

FOOD AND DRUGS.

SALE ADULTERATED DRUGS OR ARTICLES OF FOOD—PROHIBITED.

Sec. 6. No person or persons shall within the State of Wyoming manufacture for sale, offer for sale or sell any drug or article of food, drink or illuminating oil which is adulterated within the meaning of this act.

TERMS "DRUG," "FOOD" AND "DRINKS" —DEFINED.

Sec. 7. The term "drug," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food," as used in this act, shall include all articles used for food, whether simple, mixed or compound. The term "drinks" shall include all drinks, whether distilled, brewed, simple, mixed or compound, including mineral waters which shall be used as food, medicines or beverages, by any person or persons, while in the State of Wyoming, whether a citizen or not.

ADULTERATION—DEFINED.

Sec. 8. An article shall be deemed to be adulterated within the meaning of this act—

(a) In the case of drugs: (1) If, when sold under or by the name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by the name not recognized in the United States Pharmacopoeia, but which may be found in some other pharmacopoeia, or other standard work on *Materia Medica*, it differs materially from the standard of strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold.

(b) In case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal; (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health. Provided, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, with the name and per cent of each ingredient therein, and are not injurious to health; and illuminating oils shall be of not less than 120 per cent (degrees) open air flash

test. That no gasoline shall be sold in the State of Wyoming of less than seventy-four proof. Same shall be plainly marked on the can, barrel or other package containing gasoline. (See Chapter 109.)

DEALERS MUST FURNISH SAMPLES FOR ANALYSIS.

Sec. 9. Every person manufacturing, offering or exposing for sale, whether a manufacturer or not, or delivering to a purchaser any drug or article of food or drink included in the provisions of this act, shall furnish to any person interested or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food or drink which is in his possession.

PENALTIES.

Sec. 10. Whoever refuses to comply, upon demand, with the requirements of this act, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding three hundred dollars (\$300) nor less than fifty dollars (\$50), or imprisoned not exceeding one hundred nor less than thirty days, or both, at hard labor. Any person found guilty of manufacturing, offering for sale or selling an adulterated article of food, drugs or drinks under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person shall be found guilty of manufacturing, selling or offering for sale.

SALE OF SPOILED MEAT FOOD—PROHIBITED—WHEN.

Sec. 11. Whoever sells or offers for sale within the State of Wyoming or has in his possession with a view to sell any kind of diseased, corrupted, adulterated or unwholesome provisions, whether meat or drink, without making the condition of the same known to the buyer, and whoever kills for the purpose of sale any calf less than four weeks old, or has in his possession, with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be guilty of a misdemeanor, and when found guilty fined as hereinbefore prescribed.

FEEDING OFFAL TO ANIMALS PROHIBITED.

Sec. 12. Whoever feeds swine or animals of any kind used for human food, the flesh of any old horse, or the flesh of any animal, whether old or young, infirm or sick, or of one that has died from any cause, or of any offal or flesh of diseased animals, shall be deemed guilty of a

misdeemeanor and subject to the penalty hereinbefore prescribed in this act.

MAPLE SUGAR AND SYRUP—DEFINED.

Sec. 13. For the purpose of this act maple sugar, and maple syrup, shall be the unadulterated product produced by the evaporation of pure sap from the maple or sugar tree. The standard of weight of a gallon of such maple syrup of 231 cubic inches in the State of Wyoming, shall be eleven pounds. And other substance mixed with the maple sugar or maple syrup or any other substance purporting to be maple sugar or maple syrup shall be deemed to be an adulteration within the meaning of the laws of the State of Wyoming, providing against the adulteration of foods, drugs and drinks, and such party who makes or offers for sale such adulterated sugar or syrup shall be deemed guilty of a misdemeanor and fined as herein previously provided for.

ARTICLE II—DAIRY PRODUCTS.

BUTTER AND CHEESE—REGULATION OF SALE OF LIMITATIONS.

Section 1. It shall be unlawful for any person to sell, expose or offer for sale, or exchange, within the State of Wyoming any substance purporting, appearing or represented to be butter or cheese, or having the semblance of either butter or cheese, which substance is not made wholly from pure milk or cream, salt and harmless coloring matter, unless it is done under its true name, and each vessel, package, roll or parcel of such substance has, distinctly and durably, printed, stamped, stenciled or marked thereon the true name of such substance in ordinary bold-faced capital letters, not less than five-line pica in size, and also the name of each article or ingredient used or entering into the composition of such substance, in ordinary bold-faced letters not less than pica in size, or sell or dispose of in any manner to another, any such substance without delivering with each amount sold or disposed of, a label on which is plainly or legibly printed in ordinary bold-faced capital letters, as above described, the true name of such substance, and also the name of such articles used and entering into the composition of such substance in ordinary bold-faced letters, if the same be not made wholly from pure milk or cream, salt and harmless coloring matter and the words "butter," "creamery," or "dairy" or any word or combination of words embracing the same, shall not be placed on any vessel, package, roll or parcel containing any imitation dairy product or substance not wholly made from pure milk or cream, salt and harmless coloring matter.

MANUFACTURE OF IMITATION BUTTER OR CHEESE PROHIBITED— "SKIMMED CHEESE."

Sec. 2. It shall be unlawful for any person or persons within the State of Wyoming to manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or cream, salt and harmless coloring matter, any article designed to be sold as butter or cheese made from pure milk or cream, salt and harmless coloring matter, but nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese, provided said cheese is properly labeled showing that it is made from skimmed milk.

UNLAWFUL TO SELL FALSELY BRANDED PRODUCTS.

Sec. 3. It shall be unlawful for any person within the State of Wyoming to sell, exchange or offer for sale or exchange or dispose of, or have in his possession, any substance or article made in imitation or semblance of or as a substitute for any dairy product which is falsely branded, stenciled or marked as to the place where made, the name or cream value thereof, its composition or ingredients, or in any other respect.

UNLAWFUL TO FALSELY PACK PRODUCTS.

Sec. 4. It shall be unlawful for any person or persons, company or companies within the State of Wyoming to pack, box, inclose, ship, consign, or convey any substance, butter or cheese, purporting to have been made from pure milk or cream, salt and harmless coloring matter in such a manner as to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of the same.

SALE OF "SKIMMED" MILK REGULATED.

Sec. 5. It shall be unlawful for any person or persons, whether residing in or out of the State of Wyoming, to sell in the said state to any person, persons or company, or to deliver or carry, or cause to be carried to any cheese or butter manufactory to be manufactured, any milk diluted with water or in any way adulterated, or from which any cream has been taken, or milk commonly known as "skimmed milk," or milk from the part known as "stripings" has been taken or withheld, or keep or renders any false account of quantity or weight of milk furnished at or to any factory for manufacture or sold to any manufacturer except that it be properly labeled and reported in accordance with its true character and value.

CARE OF COWS.

Sec. 6. No person shall keep cows for the production of milk for any purpose, in a cramped or unhealthy condition, or feed them on unhealthy or unnatural food or upon food that produces impure, unhealthy or unwholesome milk.

CONDENSED MILK.

Sec. 7. It shall be unlawful for any person within the State of Wyoming to manufacture, sell, exchange, expose or offer for sale or exchange, any condensed milk unless the package, can or vessel containing the same shall be distinctly labeled, stamped or marked with its true name, brand, by whom and the date of manufacture, and under what name made, and no condensed milk shall be made, exchanged, exposed or offered for sale or exchange unless the same be made from pure, clean, healthy, fresh, unadulterated and wholesome milk from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount the equivalent of 12 per centum of milk solids in crude milk, and of such solids, 25 per centum shall be fat.

SALE OF IMITATIONS UNLAWFUL.

Sec. 8. It shall be unlawful for any person by himself or his agent or his employe within the State of Wyoming to render or manufacture for sale out of animal or vegetable oils not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from unadulterated milk or cream from the same, nor compound with, or add to milk, cream or butter any acids or other deleterious substance, or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance, or any human food, in imitation of natural butter or cheese, nor shall sell, keep for sale, or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this act, whether such article or articles, substance or compound shall be made or produced in this State or elsewhere. It is further provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine or butterine in a separate and distinct form and the sale of such duly and properly labeled, and in such manner as will duly advise the consumer of its real character, and in no way to cause him to believe it to be pure butter as defined by this act.

OLEOMARGARINE AND BUTTERINE—DEFINED.

Sec. 9. The words "oleomargarine" or "butterine" as used in this act shall be construed

to mean any substance not pure butter, of not less than 80 per cent butter fats, which substance is made as substitute for, but not in imitation of, or in any sense to be used as butter.

PENALTIES.

Sec. 10. Any person or persons violating any of these provisions of the sections of this act pertaining to dairy products shall, upon conviction thereof, be fined not less than fifty nor more than two hundred dollars for the first offense, and for each subsequent offense not less than one hundred nor more than five hundred dollars, and be imprisoned not less than ten days nor more than ninety days, or both.

ARTICLE III—CHEESE AND BRANDING THEREOF.

CHEESE.

Section 1. It shall be unlawful for any person or his agent or agents within the State of Wyoming to sell, expose for sale or have in his possession with intent to sell any article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively or wholly of milk or cream, with salt, rennet, and with or without harmless coloring matter, or containing any fats, oils or grease not produced from milk or cream, or shall have the words "filled cheese" or anything that will tend to deceive the public or to make believe that said cheese has been made wholly from milk or cream, with salt, rennet, and with or without harmless coloring matter, and when made to contain less than twenty per cent of pure butter fat, it shall be stamped with the words "Skimmed Cheese" and duly labeled, or marked, in printed letters or plain, uncondensed Gothic type, not less than one inch in length, and so that the words cannot easily be defaced, and upon the side of every cheese, cheese cloth or band upon the same, upon the top and side of every tub, firkin, box or package containing any such article, substance or compound. And when such article is sold at retail, it shall be the duty of said retail dealer, or his agent, to so mark each broken package as to convey to the purchaser its real name and true condition.

IMITATION CHEESE—PENALTY.

Sec. 2. Whoever by himself or his agents, peddles, sells, solicits orders for the future delivery of, or delivers from any cart, wagon or other vehicle upon the public streets or ways "filled cheese," "skimmed cheese" or any substance made in imitation of or semblance of cheese, or as a substitute for cheese, not made wholly of milk or cream, with salt, rennet and with or without harmless coloring matter, or

having been labeled in accordance with this act, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or imprisoned at hard labor not less than ten days nor more than thirty days for the first offense and by a fine of not less than one hundred dollars nor more than two hundred dollars, or imprisoned at hard labor for not less than twenty nor more than sixty days, or both, for each subsequent offense.

ARTICLE IV—MILK. MILK.

Section 1. It shall be unlawful for any person or persons, agent or agents, or as the servant or agent, or any other person within the State of Wyoming, to sell, exchange, or deliver, or have in his custody or possession with intent to sell or exchange or expose, or offer for sale or exchange, adulterated milk, or milk to which water or any foreign substance, acid or so-called preservative has been added, or milk from diseased or sick cows.

ANALYSIS—PRESERVATIVES PROHIBITED—PENALTY.

Sec. 2. In all prosecutions under this act, if the milk is shown upon analysis, by a competent chemist, to contain more than eighty-eight per centum of watery fluid, or to contain less than twelve per cent solids, not less than one-fifth of which must be fat, it shall be deemed, for the purpose of this act, to be adulterated, and not of good standard quality, except during the months of May and June, when milk containing less than eleven and one-half per cent of milk solids shall be deemed to be not of good quality. And any milk found to contain salicylic acid or other preservatives known to be injurious to health, shall be deemed adulterated, and any person or persons, company or companies, agent or servant thereof, who shall be found guilty of selling such milk shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense, and for the second offense by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment at hard labor for not less than thirty days nor more than sixty days, and for all subsequent offenses by a fine of fifty dollars or by imprisonment at hard labor for not less than sixty days nor more than ninety days.

ARTICLE V—CANDY.

ADULTERATION OF CANDY PROHIBITED.

Section 1. It shall be unlawful for any person or persons, company or companies to manufacture for sale, or sell or offer to sell within the State of Wyoming any substance known as

candy which shall be adulterated by the admixture of terra alba, barytes, talc, or other mineral substance, poisonous colors or flavors, or other ingredients, deleterious or detrimental to health. Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars nor less than twenty-five dollars, or imprisonment not exceeding one hundred days nor less than thirty days, or both, at the discretion of the court, and he shall be adjudged to pay in addition all necessary costs and expenses incurred in the inspecting and analyzing such adulterated candy, and the same shall be forfeited and destroyed under the direction of the court.

ARTICLE VI—CANNED GOODS.

GOODS MUST BE MARKED WITH DATE OF CANNING.

Section 1. After the passage of this act, it shall be unlawful in the State of Wyoming for any packer, wholesale or retail dealer, or any other person who may sell or offer for sale in any respect whatever, preserved or canned fruits and vegetables, or other articles of food, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such person, or corporations that packed the same, and the date in plain, unmistakable letters and figures, giving the month and year in which said goods were canned.

"SOAKED" GOODS—SYRUP AND MOLASSES.

Sec. 2. That all soaked goods, or goods put up from products dried before canning, shall be plainly marked by adhesive label, having on its face the words "Soaked" in letters not less in size than two-line pica, of solid and legible type; and all cans, jugs, or other packages containing maple syrup or molasses, shall be plainly marked by an adhesive label, having on its face the name and address of the person or persons, firm or firms, corporation or corporations, who made or prepared the same, together with the name and quality of the goods, the month and year the same were prepared and canned, in letters of the size provided in this act.

FALSE STAMP OR LABEL—PENALTY—BOARD OF HEALTH.

Sec. 3. Any person or persons, firm or firms, corporation or corporations, agent or servant, who manufactures, sells, in or out of the State of Wyoming, or who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permits such false stamping or labeling, any person or per-

sons, firm or firms, corporation or corporations, agent or servant, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and punished with a fine not less than fifty dollars in case of vendors, and in the case of manufacturers, or those falsely or fraudulently stamping or labeling such cans or jars, a fine of not less than five hundred dollars nor more than one thousand dollars. And it shall be the duty of any Board of Health of the State of Wyoming, or any other authorized person or persons, cognizant of any violation of this act, to prosecute, or cause to be prosecuted, any person or persons, agent or servant, firm or firms, corporation or corporations, which it has reason to believe has or are violating any of the provisions of this act, and such person or persons, agent or servant, firm or firms, corporation or corporations, which have been found guilty of violating this act shall, in addition to the fine imposed hereby, be liable for the cost of trial and conviction, and all moneys collected by such fines, after deducting the expense thereof, shall be covered into the general fund of the state.

VINEGAR—ANALYSIS.

Sec. 4. This act shall also cover and be in force against any person or persons, firm or firms, or manufacturing establishment for the manufacture of or sale, or exposing for sale or selling, or having in his possession with intent to sell, or delivering to any person any vinegar not in compliance with the provisions of this act, and no vinegar shall be sold as apple, orchard or cider vinegar which is not the legitimate product of pure apple juice, known as apple cider; or vinegar not made exclusively of such apple cider; or vinegar into which foreign substance, drugs or acids have been introduced, as may appear upon proper test, and upon said test shall contain not less than two per centum, by weight, of cider vinegar solids upon full evaporation at the temperature of boiling water, and providing also that all vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "Fermented Vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "Distilled Vinegar," and all such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And that all fermented vinegar not distilled shall contain not less than two per centum, by weight, upon full evaporation, at the temperature of boiling water, of solids contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not

less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which the said vinegar is manufactured. And, further, that all vinegar shall be made wholly from the fruit or grain from which it purports to have been made or is represented to be made, and shall contain not less than four per centum, by weight, of absolute acetic acid, which shall not be contaminated by any foreign substance.

SALE OF ADULTERATED VINEGAR PROHIBITED.

Sec. 5. No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell within the State of Wyoming, any vinegar found, upon proper test, to contain any preparation of lead, copper, sulphuric or other mineral acid or other ingredients injurious to health, and all packages containing vinegar shall be branded on the head of the cask, barrel, keg or jug, or any other container containing such vinegar, or if sold in other packages, that each package be plainly marked with the name and residence of the manufacturer, together with the brand required in the provisions of this act.

CIDER AND FRUIT VINEGAR.

Sec. 6. Every person making or manufacturing cider vinegar, who is not a domestic manufacturer of cider or cider vinegar, shall brand on each container, whether cask, barrel, keg or other container containing such vinegar, the name and residence of the manufacturer, the date when the same was manufactured and the words "Cider Vinegar," and no vinegar shall be branded "Fruit Vinegar" unless the same be made wholly from apples, grapes or other fruits. Provided, that nothing in this act shall be construed to prevent any farmer from manufacturing for his own private use or offering for sale not to exceed twenty-five barrels in any one year, pure cider or other fruit vinegar, branding the same "Domestic Cider Vinegar," with name and date of manufacture, and when so branded, shall be sufficient guarantee of its purity.

PENALTIES.

Sec. 7. Whoever violates any of the provisions of this article of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, and shall be adjudged to pay, in addition, all necessary costs and expenses incurred in inspecting and analyzing such vinegar.

ARTICLE VII.

LIQUORS, WINES, BEER AND OTHER
SPIRITUOUS, VINOUS OR MALTED
DRINKS AND BEVERAGES.ADULTERATION OF SPIRITUOUS
LIQUORS—PENALTY.

Section 1. Whoever adulterates, for the purpose of sale within the State of Wyoming, any spirituous, alcoholic, vinous or malt liquors used or intended for drink or medicinal or mechanical purposes, with *Coccus-indicus*, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous, adulterated or injurious to the health, or with any substance not a necessary ingredient in the manufacture thereof; and whoever sells or offers for keeps for sale any such liquors so adulterated, and whoever uses any active poison in the manufacture or preparation of any intoxicating liquor or sells in any quantity any intoxicating liquor so manufactured or prepared, and whoever engages in the manufacture and sale of intoxicating liquors and fails to brand on each package containing the same the name of the person or company manufacturing, rectifying or preparing the same, whether a resident of the State of Wyoming or not, and also the words "containing no poisonous drugs, or other added poison," and any person guilty of violating any of the provisions of this act shall be adjudged to pay, in addition to the penalties provided for by this act, all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors, whether alcoholic, vinous or malt, intended for drink, of which said party may have been guilty of adulterating or selling or keeping for sale or offering for sale, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, or be imprisoned not less than twenty days nor more than sixty days, or both, at the discretion of the court, excepting manufacturers who manufacture and place on sale liquors containing poisons or that are not labeled as provided for in this act, shall be fined not more than one thousand dollars and imprisonment not more than six months nor less than one month.

ADULTERATION OF WINES—PENALTY

Sec. 2. It shall be unlawful to adulterate any wine made, or juice expressed, from grapes, whether grown within or out of the State of Wyoming, by mixing therewith any drug, chemicals, cider, whisky or other liquor, and whoever sells or offers to sell any such adulterated wine or grape juice knowing the same to be adulterated, and for the purpose of this

act, adulterated wine shall consist in wine to which shall be added any glucose, or uncrystallized grape or starch sugar, or cider, or pomace of grapes out of which the juice has been expressed or extracted known as grape cheese, or any other substance not natural to the pure expressed juice of the grape, excepting that such shall be plainly labeled and placed on the bottle, barrel, cask or container of any kind, showing the quantity and quality of such adulteration. Provided, that said adulteration shall not in any way be poisonous or injurious to the public health, and whoever violates this act, whether intentionally or otherwise, shall be fined in any sum not more than three hundred dollars nor less than fifty dollars, and imprisoned for not less than sixty days nor more than ninety days, and pay the cost of the prosecution.

ARTICLE IX.

PERSONS SELLING DEEMED AGENTS
OF MANUFACTURER.

Section 1. For the purpose of this act, and for the purpose of getting service on foreign companies, corporations or firms, any agent or any person who shall sell, keep for sale, offer for sale or handle goods made, sold or handled by said firm, company or corporation, shall be deemed the agent thereof, upon whom the process of any court of this state of competent jurisdiction may be served for the purpose of carrying into effect the provisions of this act, and service upon such agent shall be binding upon his principals.

ADULTERATED GOODS TO BE DESTROYED.

Sec. 2. Any drugs, liquors, wines, malt liquors or food of any character, or illuminating oil that may be found adulterated or impure to such an extent as to make it injurious to the public health and dangerous to life, and thus unfit by the provisions of this act to be sold, shall be confiscated and destroyed at the discretion of the court.

STATE CHEMIST—OATH AND BOND.

Sec. 3. It shall be unlawful for the State Chemist to enter upon his duties before having taken the oath of allegiance to the United States of America, the State of Wyoming, and having filed a satisfactory bond furnished by some competent and responsible surety company in the sum of one thousand dollars for the faithful and honest performance of his duties, which bond shall be accepted by the Secretary of State, and placed on file in his office. Trial for the enforcement of the provisions of this act shall be brought before any District Court in the State of Wyoming, and there shall

be nothing that shall be construed to prohibit an appeal from the decision of said court.

CITY HEALTH OFFICER—DUTY.

Sec. 4. It shall be the duty of the ex-officio city health officer provided for by the State Board of Health and the State Board of Medical Examiners to collect samples and forward the same to the State Chemist for analysis and

to otherwise carry out the provisions of this act.

Sec. 5. All acts or parts of acts that shall be in conflict with this act or any part of it shall and are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after the 30th day of September, 1903.

Approved February 21st, 1903.

DECISIONS OF THE UNITED STATES SUPREME COURT ON FOOD LAWS.

STATUTES, HOW CONSTRUED. They are intended for the protection of public health and are within the police power of the state. *Powell vs. Pa.*, 126 U. S. 678.

BUTTERINE. INTENT TO SELL. An act forbidding the selling or having in possession with intent to sell butterine or any imitation of butter which is not colored a bright pink, and making the having in possession of the prohibited substances prima facie evidence of intent to violate the act, and authorizing its seizure is not unconstitutional. *Armour Packing Co. vs. Snyder (Minn.)* 84 Fed. Rep. 136.

FLOUR. RECOVERY OF PENALTY. Under the act of this state of Dec. 21st, 1792, "regulating the importation of flour and bread," the penalty may be recovered in an action qui tam. In order to recover the penalty for altering the inspector's marks on barrels of flour the marks must be set out and the alterations shown. Unless the word "condemned" be branded on the package it is not within the tenth and fifteenth sections of the act. *Cloud vs. Hewitt*, 5 Fed. cases 1983.

INSPECTION. POWER OF CONGRESS. Congress has no power to enact legislation as to inspection of meats, animals, or their carcasses, before or during their slaughter in slaughter houses within a state. *United States vs. Boyer*, 85 Fed. Rep. 425.

OLEOMARGARINE LAWS. VITALITY. Statutes which prohibit the manufacture or sale of any article in imitation of butter or cheese are within the police power of the state. *Powell vs. Pa.*, 127 U. S. 678; *Walker vs. Pa.*, 127 U. S. 699; in re *Brosnahan*, 18 Fed. Rep. 62.

REGULATION OF SALE. Where a statute has for its primary object the raising of revenue, and not the protecting of purchasers, it is not unconstitutional as being an infringement upon the police power of the state to levy a tax on dealers and manufacturers of oleomargarine and regulate its sale. *United States vs. Dougherty*, 101 F. 439.

OLEOMARGARINE OFFENSE. Under the law requiring retail dealers in oleomargarine to pack the same in suitable wooden or paper packages, and to mark same as the commissioner of Internal Revenue shall require, an indictment which charges the retail dealer with selling oleomargarine in packages which are not put up in suitable wooden or paper packages is good. *United States vs. Dougherty*, 101 F. 439.

OLEOMARGARINE LAWS requiring manufacturers and dealers to put oleomargarine in packages marked and branded as the Commissioner of Internal Revenue shall prescribe does not constitute a delegation of power to that officer to determine what acts shall be criminal, because the law sufficiently defines the offense by requiring the packages to be marked and branded and by prohibiting the sale of those that are not, simply leaving the kind of marks and stamps to be determined by that officer. *Ex Parte Kollock*, 165 U. S. 526.

VALIDITY OF COLOR LAWS. Held that it is a proper regulation for preventing fraud and deception and that it is within the police power of the state under the Sess. Acts 1895, p. 26, sec. 2, to prohibit the manufacture or sale within the state of any substance in "imitation or semblance of natural butter" or with which any substance has been combined "for the purpose or with the effect of imparting thereto a yellow color, or any shade of yellow, so that such substances shall resemble yellow or any shade of genuine butter" and that the enforcement of such laws against oleomargarine shipped from other states and sold in original packages is not a violation of the interstate commerce clause of the Constitution of the U. S. In re *Schietlin*, 99 Fed. 272.

OLEOMARGARINE. RIGHTS OF IMPORTERS. Importers have the right to sell to consumers as well as to wholesale dealers oleomargarine in original packages. *Schollenberger vs. Pennsylvania*, 171 U. S. 1.

OLEOMARGARINE. COMMERCE. Oleomar-

garine having been recognized by an Act of Congress as a proper subject of taxation, of traffic, of importation and exportation, must be deemed a proper subject of commerce. *Schollenberger vs. Pennsylvania*, 171 U. S. 1.

OLEOMARGARINE. COLORING. A state statute prohibiting the sale of oleomargarine as a substitute for butter unless it is of a certain color, is unconstitutional as applied to oleomargarine imported into the state, as this would require its adulteration, the sale of which when so adulterated being prohibited by another law. *Collins vs. New Hampshire*, 171 U. S. 30.

OLEOMARGARINE. NATIONAL LEGISLATION. National legislation on the subject of oleomargarine does not restrict the power of the states over the manufacture and sale of oleomargarine within their respective limits. The state statute preventing the sale of imitation butter in its application to sales of imitation butter brought into the state from others is not in conflict with the Interstate Commerce Act. A state **may** exclude from its market any compound, manufactured in another state, artificially colored or adulterated so as to cause it to look like an article of food in general use and thereby cheat the general public. *Plumley vs. Massachusetts*, 155 U. S. 461.

OLEOMARGARINE. INDICTMENT. An indictment sufficiently charges an offense under the statute which alleges that a person, at a stated time and place did knowingly, wilfully, unlawfully and fraudulently remove a brand from a package containing oleomargarine. *Wilkins vs. United States*, 96 Fed. 837.

OLEOMARGARINE. DEALER'S LIABILITY. A wholesale dealer of oleomargarine is not liable for the penalty imposed by the Act of 1886,

even though he wilfully fails to keep a book showing the oleomargarine received by him and omitting to make monthly returns to the Collector of Internal Revenue. *United States vs. Eaton*, 144 U. S. 677.

OLEOMARGARINE. STATE JURISDICTION. Held that the Governor of a Soldier's Home is not within the jurisdiction of a statute regulating the use of oleomargarine, and that the serving of the same in the Home is not within the jurisdiction of the state, because the governor of the soldier's home is under the control of the United States and wholly beyond the regulation of the state legislature. *Re Thomas*, 82 Fed. Rep. 204.

In the case of *United States vs. Broadwell*, and other oleomargarine cases, recently decided in the United States Supreme Court, the Act of Congress fixing a tax of ten cents a pound on all manufactured butter artificially colored to look like natural butter is held to be constitutional and properly within the granted powers of Congress. The decisions also hold that such butter cannot be manufactured and sold without paying the tax if it is colored in the process of manufacture by being mixed with natural butter, or other substance, which is colored itself and thereby imparts the prohibited color to the manufactured butter, even though such natural butter or other substance is a necessary ingredient in the manufacture of oleomargarine or manufactured butter. In other words, the decisions hold that it is not the process or method of manufacture, but rather the manufactured article to which the law attaches itself and applies.

(Opinions not printed at this date and we are unable to give citations.) July 20, 1904.



ADDENDA

The following corrections are for the purpose of showing changes that have been made in the laws and rulings of the different States after they were compiled, and during the printing of the book, but which were discovered too late to make the changes in the original printed hereinbefore. All references to sections, paragraphs, rulings, etc., mean as they are printed in this book.

IDAHO.

Rule 11, on page 142, after the word "law," insert the following: "Benzoate" of Soda in minimum quantities excepted in catsup."

Rule 11 has been annulled and is not in force.

Rule 23 has been changed so that the word "copperas" shall read "copper," and the word "salts" has been added immediately after it, making the rule read as follows:

"Peas and pickles colored with copper salts will be considered a violation of the law."

ILLINOIS.

On page 147, Inspector W. C. Campbell is no longer with the Commission, and Inspector George T. Ashley, Carmi, Illinois, has taken his place.

NORTH CAROLINA.

The following is the present membership of the Board of Agriculture:

S. L. Patterson, Commissioner, ex officio Chairman, Raleigh.

J. M. Forehand, Rockyhook, First District.

J. B. Stokes, Windsor, Second District.

Wm. Dunn, New Bern, Third District.

C. N. Allen, Auburn, Fourth District.

R. W. Scott, Melville, Fifth District.

A. T. McCallum, Red Springs, Sixth District.

J. P. McRae, Laurinburg, Seventh District.

R. L. Doughton, Laurel Springs, Eighth District.

W. A. Graham, Machpelah, Ninth District.

A. Cannon, Horse Shoe, Tenth District.

The officers are the same as on page 330.

In Sec. 5, on page 330, the word "all" should be added in the second line immediately after the word "include," and before "article"; and the word "article" should be changed to "articles."

In the second paragraph of Sec. 6, on page 330, the words "or tend to deceive" have been added immediately after the word "deceive," so that the paragraph shall read: "Second—If any inferior substance has been substituted wholly or in part for the article so as to deceive or tend to deceive the purchaser."

In the third paragraph of the 6th section, on page 330, the word "an" is changed to "the"; and the words "or tend to deceive" are added after the word "deceive" in like manner as in the foregoing paragraph.

In the fifth paragraph of the 6th section, on page 330, the words "or tend to deceive" are added after the word "deceive" in the last line, in like manner as in paragraphs 2 and 3.

In the fourth paragraph of Sec. 6, on page 332, under the provisions made in which an article shall not be deemed to be adulterated, and in the last line of said paragraph, the word "such" immediately after the word "purchased" and immediately before the word "article" is changed to the word "said."

In Sec. 8, on page 332, the word "lists" at the end of the seventh line should be changed to the words "limits of," so as to make the sense be, "The Board of Agriculture shall also from time to time fix and publish the limits of variability permissible in any article of food," etc.

In Sec. 3, on page 333, of the act regulating the sale of butter the word "secure" in the second line should be "securely"; and the word "chemicals" in the fifth line should be "chemical."

In the ruling of vinegar on page 333 the word "made" should be inserted immediately before the word "known" in the ninth line.

The rulings on page 333 on milk, butter, process butter, cheese, lard, spices and peppers, mustard and candy have been superseded by the Standards of the Secretary of Agriculture of the United States.

(See Sec. 8.)

PENNSYLVANIA.

On page 381, Supreme Court Decisions of Pennsylvania. Com. vs. Kevin is reported in 18 Penn. Super. Ct. 414 instead of 1 Penn. Super Ct. 414.

See also opinion in Com. vs. Kevin, 202 P. S. 23 (1902).

SOUTH DAKOTA.

Hon. John Armstrong is no longer connected with the Commission.

Since the Food Laws in this book were printed herein a codification of these laws has been made and the sections have been changed in numbers as follows:

1 to 2867.	6 to 2870.
2 to 2868.	7 to 2893.
3 to 2869.	8 to 2891.
4 to 2871.	10 to 2873.
5 to 2872.	

Sec. 11 has been changed to 2874, and is as follows:

"No person or persons shall sell or offer for sale, for consumption, or sell, or supply, or bring to be manufactured, into any article of butter or cheese, to any butter or cheese factory, any milk diluted with water or containing more than eighty-seven per centum of water fluids or less than thirteen per centum of milk solids, of which not less than three per centum shall be butter fat, or any cream containing not less than twenty per centum of butter fat, or any impure, unclean, unhealthy, adulterated or unwholesome milk, or cream from the same, or milk from cows within fifteen days before or five days after parturition, or milk to which any preservative has been added. Penalty. Whosoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

12 to 2875.	19 to 2882.
13 to 2876.	20 to 2883.
14 to 2877.	21 to 2884.
15 to 2878.	22 to 2885.
16 to 2879.	23 to 2886.
17 to 2880.	24 to 2887.
18 to 2881.	

(Sections 5 and 12 referred to respectively in Sec. 24 have been changed to Nos. 2872 and 2875, respectively.)

25 to 2888.

(Sections 14, 15, 16, 17 and 20, referred to respectively in Section 25 have been changed to 2877, 2878, 2879, 2880, 2883, respectively.)

26 to 2889.

27 is repealed.

2894 is a new section and is as follows:

Sec. 2894. The food and dairy commissioner shall be entitled to his necessary and actual expenses incurred in the performance of his official duties, to be paid at the end of each calendar month upon duly certified and itemized bills to be approved by the state auditor, and is authorized to purchase such furniture, books, apparatus, supplies and stationery as may be needed for the proper conduct of his department.

7917 has been repealed.

3043 to 2895.

3050 to 2903.

3051 to 2904.

3052 to 2905.

3053 to 2906.

3054 to 2907.

3055 to 2908.

3056 to 2909.

3059e is divided into two sections. The latter part has been numbered 2918, and begins at the words: "All manufacturers of vinegar" etc.

3059f to 2919.

3059g to 2920.

3059h to 2921.

3059i to 2922.

3059j to 2923.

3059k to 2924.

The fines in 3059r have been changed so as to read: "Punishable by fine of not less than \$10.00 nor more than \$50.00 and costs, or by imprisonment in the county jail not less than ten days nor more than thirty days.

A new ruling has been made in regard to milk as follows:

MILK—Must be pure and unadulterated. Must not be taken from unhealthy cows or contain preservatives of any description. This applies to milk furnished to creameries or cheese factories, by milk peddlers, or served to guests at any hotel, restaurant or boarding house. Standard milk must contain not less than 3 per cent of butter fat and 13 per cent of true milk solids; nor more than 87 per cent of water fluids.

In the ruling on Flavoring Extracts the word "Imitation" has been changed to "Artificial," both in regard to lemon and vanilla, so as to read as follows: "Extracts not made from fruit, berries or beans must be labeled 'Artificial Lemon' or 'Artificial Vanilla,' etc., and contain no injurious substances.

The section defining adulterations in the rulings is No. 2929.

STANDARDS FOR FOOD CONTROL WORK.

INTRODUCTION.

BY EDWARD N. EATON, ILLINOIS STATE ANALYST.

The National Association of State Dairy and Food Departments has long recognized the necessity of fixed standards for food. One of the chief aims of the organization, introduced, indeed, in the call for its formation, was to unify, if possible, state food laws and rulings, which means little more than uniform standards and definitions. Papers were prepared, addresses were delivered at every convention upon this subject, and when it was learned that the Association of Official Agricultural Chemists had appointed a committee to frame food standards, this association appointed a committee to confer with that organization to offer aid and urge the early completion of the work.

As the work was still in an embryonic condition in 1902, the committee was continued. Still the Agricultural Chemists could only report progress, not results. Then as chairman of this committee and the committee on standards from this organization, and on the advice of several food commissioners, I prepared a set of food definitions and standards, tentative, it is true, but embodying the ideals of the food chemists and aimed to meet the needs of the state food commissioners.

Before this work was completed, and a few days before the St. Paul Convention, the Agricultural

Chemists issued a pamphlet giving provisional definitions and standards for five food products—meats, milk, sugars, spices and cocoa. The standards agreed upon for the two latter products were incorporated in my compilation with some additions and corrections.

Owing to the length of the communication the standards were not read before the convention, but the association authorized their publication in the proceedings of the meeting. During the interval preceding the printing of the report, the original standards have been revised by Prof. J. H. Shepherd, State Chemist of South Dakota; R. E. Doolittle, State Analyst Michigan Dairy and Food Commission, and other food chemists.

J. O. La Bach, Chemist of Kentucky Food Commission, has revised the alcoholic liquor schedules, but no individual should be held accountable for all the views, as the compilation is of necessity a compromise. Perfection should not be expected. No set of standards ever will be perfect. They must keep pace with the progress of science.

Fortunately food standards are not sacred and may and should be revised when analytical results interpreted by reason and good judgment warrant. The United States and English Pharmacopœa, Moor's "Suggested Standards of Purity for Food and Drugs" (Eng.), and the published analysis of American Food Chemists have been freely drawn upon in this work.

ANIMAL PRODUCTS.

MEATS.

I.

Fresh Meats:

Definition.

Fresh meats, in a commercial sense, are the edible portions of healthy, recently slaughtered animals, deprived of animal heat and preserved by no other method than refrigeration.

Common Standard.

Meats should be devoid of bad odor, either when raw or heated, iridescence and otherwise show no sign of decomposition and should be derived from animal and part of animal represented.

Chemical Standard.—Reaction to litmus—acid.

Putrefactive ptomaines—absent.

Shell fish, crustaceans and fresh fish should be preserved by refrigeration, and otherwise conform to standard for meats.

Oysters on the half shell should be served in their own shell.

Remarks.

Renovated fish is not a marketable foodstuff.

II.

Preserved Meats:

Ham, bacon, dried beef and canned meats should be preserved by smoke, dessication, salt and sterilization only.

SAUSAGES:

Sausages are finely divided or hashed meats mixed with spices and flavoring. They may be cooked or uncooked and are usually encased in skins.

Common Standard as meat.

Chemical Standard: Water below 50 per cent. Free from starch, chemical preservatives and coloring.

CANNED SALMON:

Canned salmon is any variety of salmon pre-

served by heat sterilization. Salt may be added to give flavor.

Representation.

The label should state variety of salmon and locality from which taken.

SARDINES:

A small variety of *Culpea Sardinia* cured in salt and preserved in olive oil.

Representation.

Small fish other than sardines should not be sold as sardines.

Labels on sardines in tin cans should truthfully state country from which exported.

PATE DE FOIS GRAS:

Definition.

The cooked preserved liver of goose fatted in confinement.

1. Meat Extracts:

Meat extracts are the extractives of meat with salt preserved by heat sterilization.

Chemical Standard Approximate.

Water, 16% or less.

Extractive matter insoluble in alcohol, about 53%.

Mineral matter, about 18%.

Reaction to litmus acid.

Albumen—none.

2. Meat Juices:

Meat juices are the extractives of meat obtained by the cold process.

Chemical Standard:

Meat juices should contain albumen.

2. CANNED SOUPS are water preparations of edible products preserved by heat sterilization in air tight containers.

Common Standard:

Free from fermentation.

Chemical Standard:

When preserved in tins the tin should be palm oil finished and resin soldered, or if acid soldered washed before using, and contents of can should be free from lead salts and contain less than one-half a gram per can of tin or zinc, which conditions should apply to all food preserved in tins. Contents of can should be free from gas produced by decomposition as indicated by bulging of top or bottom of can, and free from products of the action of acids on the tins as indicated by absence of corrosion and by chemical analysis.

3. Lard:

LARD is the rendered fat of the healthy slaughtered hog.

Leaf Lard is lard derived from the leaf of the animal.

Steam rendered lard, kettle rendered lard, etc., is lard rendered as represented.

Lard compound consists in part of lard.

Lard substitutes, such as cottolene, vegetole, coto-suet, etc., sold under distinctive names, con-

Nutral lard is lard rendered at low temperature.

sist of any edible oleaginous substance or mixture.

Lard oil is lard from which most of the stearin has been separated.

Common Standard:

Lard and lard substitutes should be free from water, objectionable odor, fibrous tissues and rancidity.

Chemical Standard:

Specific gravity at 98 .859 — .862; at 40° .895

	15.5	15.5
---.898.		

Specific gravity at 15.5 .931 — .938.

15.5
Iodin number, 52. to 66.

Saponification equivalent, 272. to 294.

Melting point, 40° to 44° centigrade.

Thermal degrees (Maumene number), 37. to 46.

Ether washed deposit, maximum 11.

Free fatty acids, as oleic, 1% or less.

Microscopical examination should show freedom from beef or mutton fat, and specific tests should prove absence of vegetable oils.

Remarks:

Specific gravity, Iodine No., ether washed deposit and tests for foreign oils and fats are usually sufficient to establish fact and nature of adulteration.

Oleomargarine:

Oleomargarine is a substitute for butter.

A Oleomargarine is oleomargarine composed in part of butter fat.

B Oleomargarine is oleomargarine free from lard or vegetable oils.

C Oleomargarine is oleomargarine free from vegetable oil.

D Oleomargarine is oleomargarine containing vegetable oil.

Common Standard:

Should be free from artificial color and rancidity.

Chemical Standard:

Water maximum, 16%.

Salt maximum, 6%.

Fat minimum, 80%.

COD LIVER OIL:

The light and light brown oil expressed at a temperature not to exceed 82° C., 180° F. from the fresh liver of *Gadus Morrhua*, and from which the solid fat has been separated at a temperature of about 23° F. — 5° C.

Preparations containing cod liver oil should be free from preservatives and opiates unless kind and amount is stated on label.

Chemical Standard:

Specific gravity 15.5 .920 — .925.

15.5
Soluble in 90% alcohol.

Iodine absorption, 140 — 168.

Free acid as oleic, 1% or less.

EGGS.**III.****FRESH EGGS:**

Fresh eggs are eggs marketed before decomposition or embryonic changes commence.

Common Standard:

Should show no "spots" in candling.

COLD STORAGE EGGS:

Cold storage eggs are eggs preserved by refrigeration.

Common Standard:

Should possess no communicated flavor and otherwise meet requirements for fresh eggs.

PACKED EGGS:

Packed eggs are eggs preserved by salt, lime, silicate of soda, or any process other than refrigeration.

DRIED EGGS AND EGG POWDER:

Are eggs deprived of shell and water.

EGG MASS:

Egg mass is the white or yolk of eggs, or both, removed from the shell and preserved by refrigeration.

SHAD ROE:

Shad roe is the spawn of shad.

Should be fresh and true to name.

CAVIER:

Cavier is the salted roe of sturgeon or other fish.

It should be preserved by salt only.

Common Standard:

The color should be gray or black.

Size of eggs from 2 to 3.5 M.M.

Free from objectionable smell.

Foreign substances, such as sand, hairs, oil and sago must be absent.

Chemical Standard:

Should be neutral to litmus.

Representation:

Label should state locality of production.

MILK AND MILK PRODUCTS.**MARKETABLE COW'S MILK:**

Marketable cow's milk is the fresh, normal mammary secretion from a healthy cow.

Common Standard:

Should be fresh, of normal color, taste and smell.

Chemical Standard:

Specific gravity at 60° F. 1.029 to 1.034.

Fat—minimum 3.00%.

Solids—minimum 12.00%.

Solids not fat—minimum 8.50%.

Ash—.67 to .75%.

Ash to solids not fat, 8 to 9%.

Tests should prove absence of preservatives, alkalies and artificial color.

Remarks:

Usually the determination of specific gravity, fat, solids and ash, together with tests for preservatives and coloring matter, when indicated, are sufficient to establish the fact and nature of adulteration.

SKIM MILK:

Skim milk is milk from which a portion of fat has been removed, by gravity separation.

SEPARATOR SKIM MILK:

Separator skim milk is milk from which practically all the fat has been removed by centrifugal separation.

MODIFIED MILK:

Modified milk is especially prepared milk for infant and invalid use.

Fermented Milk.**KUMISS, OR KOUMISS:**

Kumiss is mare's or cow's milk with or without the addition of sucrose and which has undergone combined lactic and proteolytic fermentation.

KEFIR (OR KEPHİR):

Kefir is a milk prepared by inducing fermentation by means of Kefir grains.

ARRACK:

Arrack is milk subjected to alcoholic fermentation.

BUTTERMILK:

Buttermilk is the by-product of butter manufacture; the residuum of ripened cream after removal of the gathered butter.

Preserved Milk.**STERILIZED MILK:**

Sterilized milk is milk heated to boiling temperature and preserved in air tight receptacles.

Common Standard:

Should keep sweet for several days at atmospheric temperature.

Chemical Standard:

Should keep sweet for several days at atmosphere heated milk.

PASTEURIZED MILK:

Pasteurized milk is milk heated to 155 or 160° F. for 18 to 30 minutes and cooled rapidly; or milk heated at a higher temperature for a shorter time.

Standard:

It should not possess a marked cooked taste; it should be free from pathogenic bacteria; it should meet the requirements for market milk.

Condensed Milk:

Four grades are recognized:

CONDENSED SKIM MILK.—Sold in bulk, condensed at least 2½ to 1 from less than 3% milk.

EVAPORATED MILK.—Condensed at least 2½ to 1, from 3% milk or more, without the addition of sucrose.

CONDENSED MILK.—Condensed at least 2½ to 1, from 3% milk or more, with the addition of sucrose.

EVAPORATED CREAM.—Containing at least 15% of butter fat.

Remarks:

To conform to trade usage the use of the term "Evaporated Cream" on condensed milk may be justified by the addition of the words: An "Unsweetened Condensed Milk" following the name "Evaporated Cream."

Cream.

Three grades of cream are recognized:

COFFEE CREAM:

Containing 15% of fat, or more.

WHIPPING CREAM:

Containing 22% of fat or more.

CLOTTED CREAM:

Containing 50% of fat or more by gravity separation.

OPERA ICE CREAM:

Opera ice cream is cream sweetened, flavored and frozen.

Chemical Standard:

22% fat min.

ICE CREAM:

Ice cream is same with addition of condensed milk or gelatine.

Chemical Standard:

13% of fat min.

MILK ICE:

Milk ice is milk or cream mixed with any ingredient not injurious to health and frozen.

Fat zero—13%.

Butter.

Butter is a product of the churning of milk or cream, with or without the addition of salt and harmless coloring matter, and of every subsequent manipulation of this product not involving the melting of fat.

Common Standard:

Fresh (not rancid) and of quality represented.

PROCESS OR RENOVATED BUTTER:

Process or renovated butter should be made exclusively from butter oil and milk or cream.

Chemical Standard for Butter and Process Butter:

Water—max. 16%.

Fat—min. 80%.

Curd—max. 2%.

Salt—max. 6%.

The purified butter fat should have the following properties:

Glycerol number min. 20.

Insoluble fatty acids—max. 88.

Saponification value—221—233.

Refractive index (Zeiss)—Temp. 35° C., 43.7°—47°.

Iodine number—32 to 38.

Specific gravity 40

15.5 — .905 to .909.

Remarks:

To distinguish between oleomargarine containing less than 50% of butter fat and butter or process butter, the specific gravity, or refractive index, glycerol number and observation of melting test and crystalline structure are generally sufficient.

Cheese.

Cheese is the coagulum of milk separated from the whey.

AMERICAN, CHEDDAR OR FULL CREAM CHEESE:

American, cheddar or full cream cheese should be made from standard milk coagulated by rennet, with or without the addition of salt and harmless coloring, pressed into cakes and ripened by age.

Chemical Standard:

Full cream cheese should contain at least 48% of fat to total solids—fat as butter fat.

SKIM CHEESE is cheese containing less than 48% of fat to solids.

Chemical Standard:

Fat to solids min. 48%.

SUGARS.**Honey.****COMMERCIAL HONEY:**

Commercial honey is the nectar of flowers, transformed and stored in the comb by the honey bee.

COMB HONEY is honey marketed in the comb.

EXTRACTED HONEY is honey removed from the comb.

Chemical Standard:

Water—below 20%.

Cane sugar—7% maximum.

Comb foundation should be made only of beeswax.

Milk Sugar (Lactose)

Milk sugar is the purified sugar from milk.

Standards:

It should be unmixed with other sugars, and should consist of at least 90% Lactose.

VEGETABLE PRODUCTS.

FRESH FRUITS.

Fresh fruits are ripened fruits in the natural state, free from decomposition.

Standards:

Organolyptic.

PRESERVED FRUITS.

DRIED FRUITS.—Should not contain worms and be free from zinc, lead, bleaching agents, etc.

CANNED FRUITS (heat sterilized).—Same requirements as under canned meats.

Jellies, Jams and Preserves:

Jellies, jams and preserves are made by boiling pure fruit or fruit juices sweetened with sucrose.

GLUCOSE JELLY, JAM AND PRESERVES:

Glucose jelly, jam and preserves are made from pure fruit or fruit juices sweetened with sucrose with the addition of glucose.

Representation:

Label should state fact of artificial coloring when used.

ARTIFICIAL JELLY:

Artificial jelly is a substitute for fruit jelly. It may be artificial in body, color and flavor.

Chemical Standard:

No preservative other than sugar should be used in jellies, jams and preserves or in artificial jelly.

Representation:

Label should give equal prominence to words adulterated and jelly, and if artificially colored label should so state.

Pickles:

Pickles are food products preserved by vinegar or salt or both.

DILL PICKLES:

Dill pickles are gherkins preserved chiefly by salt, and flavored with dill leaves.

SWEET PICKLES:

Sweet pickles are gherkins preserved by vinegar, sweetened and flavored.

OLIVES:

Olives are the ripe or unripe fruit of *Olea Europaea* softened by alkali and preserved in salt.

Chemical Standard:

All pickled products should be free from alum, iron and copper, saccharin and alkalies, artificial color and preservatives other than vinegar, salt and spices.

EXTRACTS.**Extract of Lemon:**

Lemon extract is defined as a solution of lemon oil in ethyl alcohol, such extract containing at least 5 per cent of lemon oil, by volume, and of such alcoholic strength as will hold in perfect solution the terpenes of the oil.

Representation:

If coloring other than lemon peel be used the fact should be stated on the label.

Chemical Standard:

A legal extract of lemon should rotate a monochromatic ray of polarized light at least 5" 11' to the right when observed in a 200 millimeter tube at 20° centigrade, and yield at least 4.4 per cent insoluble oil, by volume.

Representation:

If coloring other than that derived from lemon peel be used, label should so state.

SOLUBLE (TERPENLESS) LEMON FLAVORING:

Soluble lemon flavoring is defined as a weak alcoholic solution made from oil of lemon, the terpenes being wholly or in part removed.

Remarks:

The use of this article is restricted to goods sold in bulk to the wholesale trade for use in manufactured articles, such as soda water, pop, ice cream, etc.

ARTIFICIAL EXTRACT OF LEMON:

Artificial extract of lemon is a substitute for lemon extract. It may be made from citral, citronella, lemon grass or other substitutes for oil of lemon.

Remarks:

Market restricted to that prescribed for soluble lemon flavoring.

Extract of Vanilla.

Extract of vanilla is defined as the alcoholic extract of the cultivated vanilla bean, *vanilla planifolia*, ripened by age, to which sugar and glycerine may be added.

Chemical Standard:

The coloring shall be derived entirely from the vanilla bean. Vanilla extract should contain not less than .05 gms. of vanillin per 100 cc., give a precipitate on de-alcoholization, give a heavy precipitate with lead acetate, leaving supernatant liquid clear and almost colorless. The extract should show no cloudiness on the addition of acid. The resins should dissolve red in sodium hydrate and reprecipitate with acid. The alcoholic solution of resin should not give color reactions with hydrochloric acid or ferric chloride. Color derived wholly from the vanilla bean.

EXTRACT OF VANILLA AND TONKA is a mixture of extract of vanilla and extract of the Tonka bean.

Remarks:

Substitutes for vanilla containing artificial vanillin or coumarin should have these names incorporated in the name of the article.

When artificial coloring is used, label should so state.

Remarks:

Extracts which cannot be made of the natural fruit, such as strawberry, blackberry, banana, wild cherry, etc., may be made artificially and sold as "Artificial Extract of Strawberry," colored, etc.

EXTRACT OF ORANGE:

Extract of orange is an alcoholic solution of oil of orange colored with orange peel.

Chemical Standard:

Extract of orange should have the same oil content and otherwise follow the regulations given for extract of lemon.

WILD CHERRY:**Remarks:**

Artificial extract of wild cherry may be made out of bitter almonds or benzoic aldehyde, but should contain no Hydrocyanic acid or di-nitro benzene.

Solid Extracts.

The same principles should govern as in liquid extracts except strength requirements.

LIME JUICE:

Lime juice is the expressed juice of *Citrus Lematta*.

Approximate Standard:

Citric acid, 7.84. Specific gravity, 1.036. Ash, 4.30. Sugar, traces only.

LEMON JUICE:

Lemon juice is the freshly expressed juice of the ripe fruit of *Citrus Medica*.

Common Standard:

Free from fermentation, slightly turbid and possessing a sharp acid taste.

Chemical Standard:

Specific gravity at 15.5° C. 1.030-1.040.

Citric acid, 7.—9%.

Total solids, 8.—14 ash 3% total solids.

SUGARS.

GRANULATED CANE SUGAR is white crystallized sugar derived from cane or sorghum.

GRANULATED BEET SUGAR is white crystallized sugar derived from the sugar beet.

Chemical Standard:

WHITE SUGARS should contain at least 99.5% sucrose and be free from salts of tin and excessive coloring.

MAPLE SUGAR is a product of the evaporation of maple sap.

Chemical Standard:

Ash minimum, .20%.

Sucrose, 75% minimum.

MAPLE MOLASSES is derived from maple sap or maple sugar.

Chemical Standard:

Ash minimum .20%.

Sugar min. 55%.

MAPLE CANE SIRUP is a mixture of cane and maple sirups.

SORGHUM is a product prepared by evaporating the expressed juice of sorghum.

Remarks:

No mixture should be allowed.

"SIRUPS" are concentrated sugar solutions.

SUGAR DRIP SIRUPS are solutions of sucrose.

GLUCOSE MIXTURES are sirups made from glucose and other sugars.

CORN or GLUCOSE SIRUPS are preparations of glucose.

Glucose.

GLUCOSE is a product of the action of acid on starch.

Chemical Standard:

Specific gravity 41 to 45° Baume.

Free acid—none.

Sulphites or other chemical preservatives—none.

GRAPE SUGAR is a crystallized or solid glucose consisting chiefly of dextrose.

Candy.

Candy is a cooked confection prepared from one or more sugars with which may be incorporated starches, gums, fruit, flavoring and coloring or other material not injurious to health.

Common Standard:

Should be clean, dry and palatable.

Chemical Standard:

Candy should contain no terra-alba, barytes, chrome yellow, burnt umber or other mineral matter used either for weight or color, should contain no paraffin, saccharin, sulphites nor objectionable colors or flavors nor other ingredients injurious to health.

VEGETABLE OILS.

Vegetable oils should be derived from the plant from which they derive their name.

OLIVE OIL:

Olive oil is the oil derived from the fruit of *Olea-Europea*.

SWEET OIL:

First, synonym for olive oil. Second, any vegetable oil substituted for olive oil in medicine.

SALAD OIL:

Any vegetable oil used as a substitute for olive oil for culinary purposes.

Range of Chemical Constants for Olive Oil (including California oils).

Specific gravity at 40°/15°, .898; specific gravity at 15°/15°, .9140 to .9185.

Index of refraction at 15.5° centigrade, 1.4689 to 1.4717.

Thermal degrees (Maumene number), 32° to 37° centigrade.

Iodine No. 75.2 to 93.5.

Saponification value, 183.2 to 196.0.

Melting point of fatty acids, 21° to 28° c.

Olive oil should not respond to the test for other vegetable oils as described under specific tests, or for animal oils.

Range of Chemical Constants for European Olive Oils.

If the oil is of known European origin and of light color, the specific gravity at 40°/15° should be between .8995 and .9005; rarely .9010.

Iodine absorption from 81.0 to 85.0.

Thermal degrees, 32° to 34° centigrade.

Saponification value, 191.0 to 196.0.

Remarks:

Usually the specific gravity, iodine number and specific reactions for foreign oils is sufficient evidence on which to interpret the nature of the oil, especially as to whether it is pure or adulterated.

COCOANUT OIL OR COCOANUT BUTTER is the rectified oil from the seed of *cocos nucifera* and allied spices.

Chemical Standard:

Approximate specific gravity 15.5, .9261; specific gravity 40/15, .9095; specific gravity at 100, .8701.

Glycerol, No. 5—8.

Iodin absorption, 6—12.

Ether washed deposit, 0.

Bechi-Wesson, no reduction.

Needle shaped crystals from ether solution slightly curved.

Acid as oleic 1% maximum.

COTTON SEED OIL:

Cotton seed oil is the rectified oil from cotton seed.

Common Standard:

Should be of light yellow color and free from rancidity.

Chemical Standard:

Specific gravity at 60° F., 922 to .930.

Saponification value, 191 to .197.

Iodin value, 100 to .117.

Free acid as oleic, max. 1%.

SESAME OIL:

The expressed oil from seeds of *Sesamum Orientale* and allied spices.

Common Standard:

Should be of light yellow color and free from rancidity.

Chemical Standard:

Specific gravity at 60° F., 922 to 924.

Saponification value, 187 to 195.

Iodin value, 102 to 112.

COCOA BUTTER:

Cocoa butter is a concentrate oil obtained by pressing the warm crushed seeds of *Theobroma Cacao*—(B. P.).

Common Standard:

Cocoa butter should be yellowish white in color, breaking with a smooth fracture with odor resembling cocoa. The taste should be bland and agreeable and free from rancidity.

Chemical Standard:

Melting point between 31.1° C and 33.9° C.

Specific gravity at 60° F. about .995.

Iodin absorption, 33.4 to 41.5.

Reichert No. (2.5 gms.), 1.5 ce.

Acid as oleic, Max. 1%.

STARCHES.

Commercial starch is the separated and purified starch from plants.

Representation:

Starch should be sold under the name of the plant from which derived, the form in which marketed and use for which it is adapted.

Chemical Standard:

Water 10% maximum.

CEREALS:

Trade regulation as to grade, etc., should govern.

Flour.

FLOUR is defined as ground cereals. Whole wheat flour is ground wheat. Graham flour is ground wheat from which the outer shell has been removed.

Representation:

Spring and winter wheat flour should be made from the wheat designated.

PATENT FLOUR:

Patent flour is made from purified middlings or semolina.

STRAIGHT FLOUR:

Straight flour is the whole wheat flour excepting the "Red Dog" flour.

RED DOG FLOUR:

Red Dog flour is made from low grade flour stock after removing better grades.

Representation:

Rice flour, buckwheat flour, corn flour, etc.,

should be prepared wholly from the cereal represented.

Pancake flour or flour sold under coined names may consist of any flour or mixture of flour, whenever no statement in the name or on the label is violated.

Breakfast Foods:

Breakfast foods are prepared cereal foods.

Representation.

May be made from any cooked or uncooked cereal, but should bear no statement on label not borne out by the facts of analysis.

MACARONI, VERMICELLI and NOODLES are prepared wheat products.

Representation.

The label should give kind of wheat employed.

Chemical Standard:

Noodles are prepared with eggs and should contain no artificial coloring, as the color is used to imitate egg, the standard constituent.

SPICES AND CONDIMENTS:

Association of Official Agricultural Chemists' Standards with additions.

General Definition:

1. SPICES are aromatic vegetable substances used for the seasoning of food.

General Standard:

STANDARD SPICES are sound spices, true to name, from which no portion of any volatile oil or other flavoring principle has been removed.

Definition:

2. ALLSPICE OR PIMENTO is the dried fruit of *Pimenuta officinalis* Lindl.

Standard:

STANDARD ALLSPICE is allspice containing more than eight (8) per cent of quercitannic acid;¹ not more than six (6) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than twenty-five (25) per cent of crude fiber.

Remarks:

Microscopical examination and ash usually sufficient to establish character of sample.

Definitions:

3. ANISE is the fruit of *Pimpinella anisum* L.

4. BAY LEAF is the dried leaves of *Laurus nobilis* L.

5. BLACK PEPPER is the dried immature berries of *Piper nigrum* L.

Standard:

STANDARD BLACK PEPPER is black pepper containing not less than six (6) per cent of non-volatile ether extract; not less than twenty-two (22) per cent of starch by the diatase method; not less than twenty-eight (28) per cent of starch by direct inversion;² not more than six and five-tenths (6.5) per cent of total ash; not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber. One hundred parts of the nonvolatile ether

extract contain not less than three and one-quarter (3.25) parts of nitrogen.

The admixture of pepper shells, pepper dust, and other pepper by-products with pepper is an adulteration.

Remarks:

Microscopical appearance and ash usually sufficient to establish character of article.

Definitions:

6. CAPERS are the flower buds of *Capparis spinosa* L.

7. CARAWAY is the fruit of *Carum carvi* L.

8. CAYENNE PEPPER, CAYENNE, OR RED PEPPER is the dried, ripe fruit of *Capsicum fastigiatum* D. C., *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small-fruited species of *Capsicum*.

Standard:

STANDARD CAYENNE PEPPER is cayenne pepper containing not less than fifteen (15) per cent of nonvolatile ether extract; not more than six and five-tenths (6.5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid; not more than one and five-tenths (1.5) per cent of starch by the diastase method, and not more than twenty-eight (28) per cent of crude fiber.

Remarks:

Microscopical examination and ash usually sufficient to establish character of sample.

Definitions:

9. CELERY SEED is the dried seed of *Apium graveolens* L.

10. CINNAMON is the dried bark of any species of the genus *Cinnamomum* from which the outer layers may or may not have been removed.

11. TRUE CINNAMON is the dried inner bark of *Cinnamomum zeylanicum* Breyne.

¹Calculated from the total oxygen absorbed by the aqueous extract.

²Copper-reducing matters by direct inversion, calculated as starch.

12. CASSIA is the dried bark of various species of *Cinnamomum*, other than *Cinnamomum zeylanicum*, from which the outer layers may or may not have been removed.

13. CASSIA BUDS are the dried immature fruit of a species of *Cinnamomum*.

14. GROUND CINNAMON OR GROUND CASSIA is a powder consisting of cinnamon, cassia or cassia buds, or a mixture of these spices.

Standard:

STANDARD CINNAMON OR CASSIA is cinnamon or cassia containing not more than eight (8) per cent of total ash and not more than two (2) per cent of sand.

Definition:

15. CLOVES are the dried flower buds of *Jambosa caryophyllus* Ndz. (*Caryophyllus aromaticus* L.) which contain not more than five (5) per cent of clove stems.

Standard:

STANDARD CLOVES are cloves containing not less than ten (10) per cent of volatile ether extract; not less than twelve (12) per cent of quercitannic acid; not more than eight (8) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Remarks:

Microscopical examination and ash usually sufficient to establish character of sample.

Definitions:

16. CORIANDER is the dried fruit of *Coriandrum sativum* L.

17. CUMIN SEED is the fruit of *Cuminum cyminum* L.

18. DILL SEED is the fruit of *Peucedanum graveolens* Hiern.

19. FENNEL is the fruit of *Foeniculum vulgare* Gaertn.

20. GINGER is the washed and dried, or decorated and dried, rhizome of *Zingiber officinale* Roscoe.

Standard:

STANDARD GINGER is ground or whole ginger containing not less than forty-two (42) per cent of starch by the diastase method; not less than forty-six (46) per cent of starch by direct inversion;² not more than eight (8) per cent of crude fiber; not more than eight (8) per cent of total ash; not more than one (1) per cent of lime, and not more than three (3) per cent of ash insoluble in hydrochloric acid.

Remarks:

Microscopical examination and ash usually sufficient to establish character of sample.

Definition:

21. LIMED OR BLEACHED GINGER is whole ginger coated with carbonate of lime.

Standard:

STANDARD LIMED OR BLEACHED GINGER is limed or bleached ginger containing not more than ten (10) per cent of ash; not more than four (4) per cent of carbonate of lime; and conforming in other respects to standard ginger.

Definition:

22. HORSE-RADISH is the root of *Cochlearia armoracia* L.

Standard:

STANDARD GRATED OR GROUND HORSE-RADISH may be mixed with vinegar, but contains no other foreign materials.

Definitions:

23. LONG PEPPER is the dried fruit of *Piper longum* L.

24. MACE is the dried arillus of *Myristica fragrans* Houttuyn.

¹Calculated from the total oxygen absorbed by the aqueous extract.

²Copper-reducing matters by direct inversion, calculated as starch.

Standard:

STANDARD MACE is mace containing not less

than twenty (20) per cent of nonvolatile ether extract; not more than thirty (30) per cent of nonvolatile ether extract; not more than three (3) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Remarks:

Microscopical examination and ash usually sufficient to establish character of sample.

Standard:

25. MACASSAR or POPUA MACE is the dried arillus of *Myristica argentea* Warb.

26. BOMBAY MACE is the dried arillus of *Myristica malabarica* Lamark.

27. MARJORAM is the leaves, flowers and branches of *Origanum majorana* L.

28. MUSTARD seed is the seed of *Sinapis alba* L. (white mustard), *Brassica nigra* Koch. (black or brown mustard), or *Sinapis juncea* Mayer (Sarepta mustard).

29. GROUND MUSTARD is a powder made solely from mustard seed, with or without the removal of the hulls and a portion of the fixed oil, but without the addition of any other substance.

Standard:

STANDARD GROUND MUSTARD is mustard containing not more than two and five-tenths (2.5) per cent of starch by the diastase method and not more than eight (8) per cent of total ash. (High standard.)

Definition:

30. NUTMEG is the dried seed of *Myristica fragrans* Houttuyn, deprived of its testa and with or without a thin coating of lime.

Standard:

STANDARD NUTMEGS, ground or unground, are nutmegs containing not less than twenty-five (25) per cent of nonvolatile ether extract; not more than five (5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Definitions:

31. MACASSAR, PAPUA, MALE, OR LONG NUTMEG is the dried seed of *Myristica argentea* Warb. deprived of its testa.

32. PAPRICA is the dried ripe fruit of *Capsicum annuum* L., *Capsicum longum* D. C., or some other large-fruited species of *Capsicum*.

33. SAFFRON is the dried stigmas of *Crocus sativus* L.

34. SAGE is the leaves of *Salvia officinalis* L.

35. SAVORY, OR SUMMER SAVORY, is the leaves, blossoms and branches of *Satureja hortensis* L.

36. THYME is the leaves and ends of blooming branches of *Thymus vulgaris* L.

37. WHITE PEPPER is the dried berries of *Piper nigrum* L., from which the outer coating, or the outer and inner coatings, have been removed.

Standard:

Standard white pepper is white pepper containing not less than six (6) per cent of nonvolatile ether extract; not less than fifty-three (53) per cent of starch by the diastase method; not less than forty (40) per cent of starch by direct inversion; not more than three (3) per cent of total ash; not more than five-tenths (0.5) of ash insoluble in hydrochloric acid, and not more than five (5) per cent of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than four (4) parts of nitrogen.

Remarks:

Microscopical examination and ash are usually sufficient to establish character of sample.

¹Copper-reducing matters by direct inversion, calculated as starch.

C. COCOA AND COCOA PRODUCTS.

Definitions:

1. COCOA BEANS are the seeds of the cacao tree. *Theobroma cacao* L.

2. COCOA NIBS OR CRACKED COCOA is the roasted broken cocoa bean freed from its shell or husk.

3. COCOA, BREAKFAST COCOA, OR POWDERED COCOA is cocoa nibs, with or without the germ, deprived of a portion of its fat and finely pulverized.

Standard:

STANDARD COCOA is cocoa containing not less than twenty (20) per cent of cocoa fat, and percentages of ash, crude fiber and starch corresponding to those in chocolate after correction for fat removed.

Definitions:

4. DUTCH PROCESS, OR GERMAN COCOA, is cocoa prepared with the use of fixed alkalies or ammonia.

5. SWEET OR SWEETENED COCOA is cocoa mixed with sugar (sucrose).

Standard:

STANDARD SWEET COCOA is sweet cocoa containing not more than sixty (60) per cent of sugar (sucrose), and in the water and sugar fat-free residue no higher percentage of either ash, crude fiber or starch than is found in the water sugar and fat-free residue of plain standard chocolate.

6. CHOCOLATE, PLAIN OR BITTER, is the solid or plastic mass obtained by grinding cocoa nibs without the removal of fat or other constituents except the germ.

Standard:

STANDARD CHOCOLATE is chocolate containing not more than three per cent of ash, insol. in water, 3.50 per cent of crude fiber, and nine (9) per cent of starch, nor less than forty-five (45) per cent of cocoa fat.

7. SWEET CHOCOLATE is plain chocolate mixed with sugar (sucrose), with or without the

addition of cocoa butter, spices, or other flavoring materials.

Standard:

STANDARD SWEET CHOCOLATE is sweet chocolate containing, and in the water-sugar and fat-free residue no higher percentage of either ash, fiber or starch than is found in the water-sugar and fat-free residue of plain standard chocolate.

MILK CHOCOLATE:

Milk chocolate is prepared from plain chocolate, powdered milk and sucrose with or without addition of lactose.

Standard:

Total proteids, 5 to 11%.

Fat, min. 30%.

Sucrose, max. 50%.

Ash, max. 3%.

Vinegar.

The term "Vinegar" is limited to a water solution of acetic acid derived from alcohol by fermentation, containing not less than four per cent of absolute acetic acid, carrying in solution, if undistilled, extractives from the fruit, grain, vegetable or syrup used in its preparation.

CIDER VINEGAR:

Cider vinegar is vinegar made from apple juice by natural or generator process.

Common Standard:

Should be completely fermented, free from "mother" and vinegar eels.

Chemical Standard:

Should contain 4.0% by weight of absolute acetic acid, a minimum of 1.75% total solids, and .25% of ash. Ratio of ash to solids above 9 and alkalinity of total ash in terms of CC N-10 alkali required to neutralize ash on 100 CC vinegar at least 20 CC.

No artificial color should be used.

GRAIN OR BEER VINEGAR:

Grain or beer vinegar is an undistilled vinegar made from an infusion of malted grains.

Common Standard:

As cider vinegar.

Chemical Standard:

Malt grain and beer vinegar should contain 4.0% absolute acetic acid, 1.75 solids, and .20 ash.

DISTILLED VINEGAR:

Distilled vinegar is a vinegar made from "low wines" obtained from the distillation of fermented grains.

COLORED DISTILLED VINEGAR:

Colored distilled vinegar is distilled vinegar artificially colored.

Common Standard:

Distilled and colored distilled vinegar should be clear and free from foreign odor and vinegar eels.

Chemical Standard:

Absolute acetic acid—4.00%.

Chemical Standard:

Coloring is used to conceal inferiority and should not be used.

CATSUP:

Catsup or tomato catsup is cooked tomato pulp, seasoned and flavored, without artificial color.

BEVERAGES.

WATER.

Free ammonia, maximum, .09 pts. per million.

Alumenoid ammonia less than .09 pts. per million.

Chlorine, 40 pts. per million.

Oxygen consumed, 1 pt. per million. .

Nitrates, max. 12 pts. per million.

Nitrites, none.

The history of a water, the surroundings from which taken, the geological formation, etc., will have to be taken into consideration in interpretation of figures obtained in water analysis. In case of well waters the analysis of pure waters in the same territory forms a basis for more satisfactory standards than empirical ones.

MINERAL WATER:

Contains mineral salts in therapeutic quantity. They should be labeled with the locality from which procured. Artificial mineral water should be labeled "artificial" as a part of the name.

SODA WATER:

Is a sweetened, flavored water, charged with carbon dioxide.

Chemical Standard:

No antiseptics, coloring or artificial flavors should be permitted.

Grape Juice:

GRAPE JUICE:

Is the juice of the grape.

Common Standard:

Unfermented.

Chemical Standard:

Solids, maximum, 20%.

Preservatives, none.

Artificial coloring, none.

SWEETENED GRAPE JUICE:

Is grape juice sweetened with sugar.

Chemical Standard:

No chemical preservatives.

No artificial color.

Cider:

SWEET CIDER:

Is the juice of sound apples.

Common Standard:

Unfermented.

Chemical Standard:

Free from chemical preservatives.

ALCOHOLIC BEVERAGES.

HARD CIDER:

Hard cider is fermented cider containing 2% or more of alcohol.

HONEY VINEGAR:

Honey vinegar is derived from the alcoholic and acetic fermentation of honey solutions.

Common Standard:

Honey vinegar should possess the flavor of honey.

Chemical Standard:

Absolute acetic acid—4.00% minimum.

PREPARED MUSTARD:

Prepared mustard is a mixture of mustard, vinegar and spices.

PREPARED MUSTARD MIXTURE:

Prepared mustard mixture is a mixture of prepared mustard with starch.

Wine:
WINE:

Is the fermented juice of fresh grapes with or without the addition of sugar, alcohol or both.

Sweetened wines contain added sugar.

Fortified wines contain added alcohol.

Red wines are derived from the must of black grapes fermented with their skins and seeds or what is collectively called the marc.

Common Standard:

Should be of deep red color, having a pleasant odor free from yeastiness, and a fairly moderately astringent pleasant and slightly acidulous taste without excessive sweetness or acidity.

Chemical Standard:

Specific gravity at 60° F.—.898—1.010.

Solid residue, 1.6—3.5%.

Acidity, 6.—10.4 ccn KOH per 100 cc.

Alcohol, 10 to 14%.

Color derived from grape.

WHITE WINE:

White wines are derived from white grapes or from black grapes fermented apart from the marc.

Common Standard:

White wine is a pale amber colored or straw colored liquid, having a pleasant odor free from yeastiness and a fairly agreeable, slightly spirituous taste without excessive sweetness or acidity.

Chemical Standard:

Specific gravity, .990—1.010.

Solid residue, 1.5 to 3%.

Acidity, 6 to 10.4 ccn KOH per 100 cc.

Tannen, traces only.

CHAMPAGNE:

Champagne is a variety of wine fermented in bottles holding in solution gas generated in its own fermentation.

Representation.

Names of particular wines, such as Port, Sherry, Malaga, Champagne, Burgundy, Hermitage, Sauterne, Claret, Moselle, Tokay, Mansala, Madeira, etc., designate particular types of wine as produced from kind of grape or the manner of making and not necessarily the county or canton from which made or purchased.

Wine should contain on the label the name of the producer, the location from which produced, and the name of the bottler, jobber or dealer.

SWEETENED WINE, fortified wine or raisin wine must be marketed under their appropriate name.

Beer:

BEER is defined as a beverage prepared from the alcoholic fermentation of an infusion of malted and unmalted grains and other sugar-producing substances rendered bitter by the addition of hops.

BARLEY BEER is a beer prepared from malted barley.

STANDARD BEER is a beer produced from malted and unmalted grains.

GLUCOSE BEER is a beer produced in part by the addition of glucose or grape sugar.

LAGER BEER is a beer prepared by low fermentation and ripened by age.

ALE is a light colored beer usually made in part from glucose.

PORTER and **STOUT** are dark beers obtained by the use of roasted malt.

Beer Standards:

Glycerol Content minimum .027 grams per 100 CC.

Ash between .008 and .02 grams per 100 CC.

Phosphoric acid between .003 and .007 gms. per 100 CC.

Volatile acids minimum .005 grams per 100 CC.

Preservatives and artificial coloring should not be used in beer.

Spirits:

Spirits are liquors obtained by distillation of alcoholic liquids.

BRANDY:

Brandy is a spirit obtained by the distillation of wine, ripened by age.

IMPORTED OR FOREIGN BRANDIES:**STANDARD:****Common Standard:**

A pale amber colored liquid having a distinctive odor and taste and a slightly acid reaction and at least six months old.

Chemical Standard:

Specific gravity, .925 to .941.

Alcoholic content, 45% by volume.

Solid residue, 1.5 grams per 100 CC.

Acidity maximum, 1 ccn/KOH per 100 CC.

DOMESTIC BRANDY (U. S. possessions):**Common Standard:**

At least 4 years old.

Chemical Standard:

Alcoholic content, 50% alcohol by vol.

Solid residue, 1.5 grams per 100 cc.

Acidity max., ccn KOH per 100 cc.

Representation:

Brandy should be branded with the locality of

production, names of distillers and importers and jobbers or dealers distributing same.

Whiskey:

WHISKEY is an alcoholic liquid obtained by the distillation of the mash of fermented grain.

MALT WHISKEY is a whiskey prepared exclusively from malted grain.

RYE WHISKEY is whiskey made from a mash containing more than 50% rye.

BOURBON WHISKEY is a whiskey made out of a mash containing more than 50% corn.

Common Standard:

An amber colored liquid having a distinctive odor and taste and a slightly acid reaction and which has been stored or aged in wood at least 4 years.

Chemical Standard:

Alcohol, minimum 50% by vol.

Solids, dried at 110° C. min. .25%.

Whiskey should be free from all added oils, essences, flavors and sweetening agents and from all coloring and extractives except that extracted from the charred storage barrel.

Representation:

The age and proof of all goods at the time of bottling should appear on the label or bottle and blended whiskies should be so labeled.

GIN:

GIN is a liquor obtained by redistilling grain spirits flavored with juniper berries with or without sweetening.

Dry gin is unsweetened gin.

Sweet gin is a gin sweetened with sucrose or glycerine.

Hollands and Schnapps and Sloe Gin are varieties of gin.

Common Standard:

Imported gin should be at least six months old.

Domestic gin should be at least 4 years old.

Chemical Standard:

Imported gin should contain at least 45% by volume of alcohol.

Domestic gin should contain at least 50% by volume of alcohol.

Representation:

Label should state whether sweetened or not and should state the name of distiller and importer, jobber or dealer.

RUM:

Rum is a spirit obtained from the distillation of the fermented juice of the sugar cane or molasses.

Common Standard:

Imported rum should be at least six months old and may be colored with caramel only.

Domestic rum should be at least four years old and may be colored with caramel only.

Chemical Standard:

IMPORTED RUM should contain at least 45% by volume of alcohol and free from any artificial oils, essences and flavors and all colors except caramel.

DOMESTIC RUM should contain at least 50% of alcohol by volume and be free from artificial oils, essences and flavors and from all color except caramel.

Representation:

Label should state name and location of distiller and importer, jobber or dealer.

CORDIALS:

Cordials are highly flavored and sweetened spirits.

SPIRITS:

Spirits should contain no stimulant or narcotic other than ethyl alcohol, coffee or cocoa.

NON ALCOHOLIC.

Coffee:

COFFEE is the seed of *coffee arabica*.

ROASTED COFFEE is the roasted seed of *coffee arabica*.

GROUND COFFEE is roasted coffee pulverized by grinding.

COFFEE BEVERAGE or CUP COFFEE is an infusion of roasted coffee prepared with cream or sugar, as desired.

Common Standard:

Roasted coffee should be from whole berry, unless otherwise designated, and should not be colored or glazed.

Chemical Standard:

Water, maximum, 8%.

Ash, maximum, 6%.

Caffein, minimum, 5%.

Water extract, 21.5 to 26.5%.

Fat, 8 to 12%.

Starch—absent.

Spec. Gr. at 60 c F. of a 10% infusion of finely ground coffee heated to boiling, not less than 1.008 nor more than 1.011.

Remarks:

Usually microscopical examination, Spec. Gr. of infusion and ash are sufficient to establish purity of adulterations.

Tea:

TEA is the dried leaves of *Thea sinenses*.

BLACK TEA is a tea made by fermentation before drying.

GREEN TEA is a tea made without process of fermentation.

TEA BEVERAGE or TABLE TEA is an infusion of tea leaves with or without addition of cream and sugar.

Common Standard:

Tea should be uncontaminated with leaves of other plants; should not be previously exhausted or extracted with water or alcohol, and free from color or "facing."

Chemical Standard:

Water, maximum, 8%.

Ash, maximum, 4.8 to 7.

Soluble ash, maximum, 2.8 to 4.

BAKING POWDERS.

Baking Powders are chemical agents used with heat and water for the leavening of bread.

ALUM BAKING POWDERS are baking powders prepared by the use of some form of alum.

PHOSPHATE BAKING POWDERS are prepared by the use of calcium acid phosphate as the acid ingredient.

ALUM PHOSPHATE POWDERS are prepared by use of both alum and calcium acid phosphate as the acid ingredients.

TARTRATE or CREAM OF TARTAR BAKING POWDERS are prepared by the use of tartaric acid or cream of tartar as the acid ingredient.

Chemical Standard:

Baking powders should yield at least 8% available carbon di oxide. The use of argolite, terra alba, and all other mineral fillers, is prohibited.

Representation.

Baking powders should have specific name of the powder on the label, and no ingredient should be named as a component of the powder not found in the article

Soda:**BAKING SODA:***Chemical Standard:*

At least 98% pure sodium bi carbonate.

CREAM OF TARTAR:*Chemical Standard:*

At least 98% pure potassium bi tartrate.

PRESERVATIVES.

Preservatives are materials used to retard or prevent the development of bacteria or organized ferments in food.

DOMESTIC FOOD PRESERVATIVES:

Are those used in diluted state for food, or those which are in common use in the household, and are harmless in large doses. They include sugar, salt, alcohol, oils, vinegar, spices and wood smoke.

CHEMICAL PRESERVATIVES:

Are those preservatives which are harmful in large doses, and about which there is doubt as to their becoming innocuous in the small quantities required to preserve food. Chemical Preservatives include borax, boracic acid, sodium benzoate, benzoic acid, salicylic acid, sulphites, flourides, beta naphthol, formaldehyde, abralast and saccharin.

Chemical Preservatives should be allowed only in such products as are impossible to market

without them, and in quantities under certain prescribed amounts, which shall be:

For borax—Less than .25%.

For formaldehyde—Less than one pt. in 10,000.

Sodium benzoate—1 to 1200.

Sulphites.

In all cases where Chemical Preservatives are used the kind and amount used should be stated in a conspicuous place on the label. Salicylic acid, saccharin and flourides should be prohibited, one as have considerable therapeutic action, and the others as having a powerful inhibiting effect in digestion.

Preservation by high and low temperatures, or by drying, or by the use of domestic food preservatives, should be employed whenever practical, even if at a sacrifice of flavor and economy of production.

COLORING MATTER.

COLORING MATTER is divided into two classes: First, coloring natural to the food product in which it occurs; second, color artificially added to food products.

The artificially added colors are again divided into three classes:

- (1) Those of life origin.
- (2) Mineral colors.
- (3) Synthetic products.

All colors of life origin are regarded as harmless.

All colors of mineral origin, except ultramarines, are regarded as harmful.

All synthetic colors prepared by the use of arsenic acid, or mercuric chloride, or any salt of arsenic or mercury, or colors in which arsenic occurs as an impurity, are harmful.

All synthetic colors, which injected in a guinea pig in quantities of 1/10,000 body weight will result in the death or sickness of the animal, are harmful.

The following colors and their synomons and allied products are specifically condemned by the National Confectioners Association and are regarded as harmful:

Ponceau S.R.B.; Crocein Scarlet 3 B; Cochenille Red A; Crocein Scarlet 7 B; Crocein Scarlet O. Extra; Safranin; Picric Acid; Martius Yellow; Acme Yellow; Victoria Yellow; Orange 11; Metanil Yellow; Soudan 1; Orange 1 V; Naphtol Green B; Methylene Blue B.B.G.; Bismark Brown; Vesuvium B; Fast Brown G. (Acid Brown); Chrysoidin.

Copper should not be used in coloring food products.

In artificial goods the statement that the color is also artificial should be made on the label.



VIEW IN THE CONVENTION HALL, OPENING SESSION.



GROUP OF DELEGATES IN FRONT OF THE CAPITOL, ST. PAUL, MINN., JULY 21, 1903.

JOURNAL OF PROCEEDINGS
OF THE
SEVENTH ANNUAL CONVENTION
OF THE
National Association of State Dairy and Food Departments.

ST. PAUL, MINN., JULY 21st, 22d, 23d and 24th, 1903.

MORNING SESSION, JULY 21.

PRESIDENT BAILEY: Ladies and Gentlemen, the hour having arrived when we are to take up the program of the Seventh Annual Convention, I am going to ask Mr. McConnell, the Minnesota Commissioner, to take charge of the meeting during the opening exercises.

MR. MCCONNELL: Ladies and Gentlemen, this is an unexpected pleasure, and I merely in a word wish to assure you that it is a very great pleasure indeed to me to see you here this morning, and now it is a very great pleasure for me to introduce to you a man who is deeply interested in the work that we are all engaged in, a man who has invariably upheld and supported the dairy and food work in this state, and when he rises to speak to you I believe that you will have additional evidence of the interest that is taken in Minnesota in the subject of pure food.

Now it gives me pleasure to introduce to you Governor Van Sant of the State of Minnesota.
ADDRESS OF WELCOME BY GOVERNOR VAN SANT.

Mr. Chairman, Ladies and Gentlemen: Very naturally my friend the Dairy and Food Commissioner would speak well of me. I appointed him to office (laughter).

One year ago I wired Commissioner McConnell at Portland, Oregon, to extend to your honorable body a cordial invitation to hold your next annual meeting on our state.

We are glad you are here, and it is a great pleasure to extend to each delegate the "glad hand" and tender you the freedom of our Capitol City, and the hospitality of the commonwealth of Minnesota as well; in fact, Mayor Smith desired me in his name to present his greetings and bid you welcome to St. Paul; he is unavoidably absent. I regret this, for his more than fifty years residence here and his long services as mayor (sixth term) peculiarly fit him to speak for St.

Paul and her people. I can say, however, that her citizens are most generous and hospitable. It would not be proper at this time to make more than passing mention of our splendid state and her wonderful resources. Minnesota is rich beyond measure in iron ore, timber, a fertile soil, an invigorating climate, thousands of beautiful lakes, numerous rivers, great lines of railway, which, with water transportation, readily and cheaply carry our products to the markets of the world. But better even than these are her two million energetic, progressive people. Before you leave, visit our summer resorts; none finer or more desirable. Look over our great university, the pride of our people. View our mammoth flouring mills, the largest in the world, and do not fail to inspect our new marble capitol, the finest structure of its kind in the United States. I bid you welcome, not only to the best we have, but to all we have.

Formerly we were known only as a wheat-producing state; it was our boast that we raised the wheat to feed the world, and we grind it into the best flour ever made. Annually our great mills in Minneapolis make flour enough when baked into bread to encircle the globe if the loaves were placed end to end. Our tillers of the soil in their wisdom have diversified their farming, and we have now 60,000 dairy farmers, 800,000 cows, 373,000 of which contribute milk to almost 1,000 creameries and skimming stations. Last year we made 6,000,000 pounds of butter, or butter enough to spread all the bread above mentioned. We have achieved so much in this direction that we are no longer known as the "Gopher," but the "Bread and Butter" state. Behold the result: \$14,000,000 annually put into the pockets of our dairy farmers. The more than 400,000 cows that do not contribute to our creameries are not idle; they supply our cheese factories, our cities and villages with milk, and produce a large amount of our dairy butter. A

conservative estimate of our entire product may be placed at \$25,000,000.

A little more than a decade ago the average Minnesota cow was making 81 pounds of butter per annum; she is now making 166, and there is every reason to believe that with scientific feeding and good care, together with out nutritious grasses and grains, pure water and unexcelled climatic conditions, coupled with intelligent breeding this amount can be again doubled.

I am informed that Prof. Haecker, in charge of dairy husbandry at our excellent agricultural school, is doing this and even better with such cows as are within the reach of every farmer. While it may seem like an exaggerated statement, it is not unreasonable to predict that in time the output of our dairies will amount to \$75,000,000 to \$100,000,000. That part of Minnesota to the north, which is an empire in itself, is practically unoccupied by those interested in dairy farming, and yet that same portion of the state is particularly adapted to this kind of work because of its grass growing qualities. You see there is every reason why we should encourage our dairy industry. We desire in every way possible to "butter" (better) our condition.

Gentlemen, I honor you for your splendid work; it will result in a rich harvest. The farmer must meet new conditions, and you are helping him to do this. He must join in the march of progress. Farming as formerly will not do. Nowhere can you find more need of science than in agricultural pursuits. Our Dairy Commissioner and his corps of inspectors have made an excellent record, and much of our recent improvement is due to them. But perhaps the greatest factor in the great growth and development of our state along the line of diversified farming is due to our agricultural college. It has been a great force in making the best type of farmers, and ultimately the best type of farm homes. Its graduates are scattered all over the state and the methods taught at this school are in evidence on every hand. In this connection it is proper to state that we will never realize the debt of gratitude due that great statesman, Hon. Justin S. Morrill, who laid the foundation for training in agricultural pursuits and introduced and pressed to passage the measures in congress which have resulted in the establishment and maintenance of our agricultural colleges. Now we have the best and most thoroughly equipped department of agriculture in the world, and an experiment station in every state and territory in the Union and one in the Philippine Islands—some sixty in all. In them you will find a thousand trained men practically and scientifically teaching the most improved methods of farming.

It is pleasing to be able to quote the following from Maj. Henry E. Alvord, chief of the dairy division of the Department of Agriculture:

"The comparisons made show that there is little for us to learn from foreign countries to improve our dairying. While too much cannot be said in praise of the industry, frugality and thrift of most of the dairymen of Europe, a close comparison leaves one to feel that the conditions of this industry in the United States are decidedly more satisfactory in almost every particular."

The United States government realizes that from the farm must come in a great measure the nation's supplies and wealth. Wall street is sometimes termed the country's business barometer. This is a mistake. The American farmer is the true business barometer. When he prospers the country prospers. When his crops are large and prices good railroad companies have plenty to do, their stocks advance and they declare dividends; mills and factories run, the merchant sells his goods, and labor is well employed. Such being true, how important that every farmer should be properly equipped for his noble calling. We are in hearty sympathy with you and the great work in which you are engaged, bringing as it does greater prosperity both to the individual and the state.

In my enthusiasm for the dairy industry I would not overlook the other important and far-reaching problem that you gentlemen have to deal with; this, unlike the dairy interests, cannot be reckoned in dollars and cents. It has been well said: "Tell me what the people eat and I will tell you what they are." Since I have been the chief executive of this commonwealth it has been my privilege as well as a pleasant duty, to keep in close touch with not only the growth of dairy interests in the state, but with the pure food interests as well, for they bring prosperity, health and happiness to our people. Our department gathered more than 16,000 samples of food throughout the state and analyzed them during the first two years of my administration. During the first six months it was found that 41 per cent of the condiments in the hands of our dealers were adulterated. During the last six months of the biennial period we find less than 12 per cent.

No argument is needed to show the deleterious effect of impure and adulterated food, which injures health, impairs digestion and oftentimes shortens life, if it does not kill outright. All this evil in order that a few dishonest men may reap a rich harvest.

I commend you for your efforts to suppress this great evil, and trust that you will be successful. It is most gratifying to me that our food department finds as a rule that the manufacturers, jobbers and retail merchants are co-operating with it in enforcing the pure food laws. Each of you, no doubt, is confronted with similar conditions. You find that the deleterious and adulterated foods in the hands of our merchants are very largely from other countries and states, and are

almost invariably bought for pure goods. Our legislature is fully awake to the alarming situation. I have signed, during my term of office at least fifteen different pure food laws. Enforcing these laws in many instances proves a hardship to the merchant who buys and sells what he supposes is a pure product.

This and other reasons that will commend themselves to you lead me to earnestly recommend and urge you, gentlemen of this convention, who are so thoroughly equipped for the work, to take definite and positive steps, having in view the formation of a national food law along lines that will be just to the manufacturer and merchant, and at the same time protect the people. It occurs to me that a greater work could not engage the attention of a pure food congress. A properly drawn bill recommended by the various active pure food commissioners, would surely secure the support of the congressmen of the various states. I most earnestly hope that your deliberations will result in great good and that this convention will be the best and accomplish more than any in your history.

I cannot resist the temptation of saying a word not in my manuscript, and my only excuse for reading to you this morning is that there are so many figures that I wanted to be correctly quoted. I am especially pleased to welcome to the state of Minnesota those men who are delegates to this convention from the southland. We are now, as never before, a united country, and recent events have demonstrated that we have but one country and one flag, and these men are especially welcome to the North Star State. It was my pleasure recently to visit Tennessee. I went there once as a Union soldier when I was not invited. The reception then was warm enough; this time it was warm too, but of a different nature, and I can say to the old comrades, and I see some here before me, that a new order of things has taken place in our beloved land, and the most cordial greeting and the warmest handshake that the old soldier now receives when he goes south of Mason and Dixon's line is from the old, grizzled Confederate veteran, who forty years ago wanted to shoot him to death. This speaks to me in volumes, and so, while we welcome you all with the greatest cordiality, we especially welcome those from Kentucky and South Carolina and the other states beyond the Ohio river. Let us appreciate one and all that we live in the grandest country under the sun and the greatest nation in the world's history, and let us each and every one do everything that we can in our spheres of life that this land which we all love so well may ever remain as it is, the beacon light for the down-trodden and oppressed of all nations and all tongues.

Gentlemen, I thank you. I honor you, as I

have said, more than I am able to find words to express, for your splendid work. We are going a little farther, perhaps, in Minnesota than they are in some other states. We not only want to have this pure butter I have spoken of, we not only want pure food, but if men will drink, we are trying to give them the right kind of stuff, and our dairy and food commissioner and those connected with him are bringing suits and are trying to have our drink pure as well as our food.

Again, I thank you and bid you welcome to our city and state.

MR. MCCONNELL: Ladies and Gentlemen: It gives me very great pleasure to introduce to you a gentleman whom most of you know. I am reminded of a little story that I heard in this connection of a little boy who was near the roadside near a church when a traveler came along the road and asked the boy if his father belonged to that church and he promptly said "Yes sir, and he is just about the whole thing." So, gentlemen, in introducing the Hon. A. H. Jones, Dairy and Food Commissioner of the State of Illinois, I wish to say to you that in food matters he is just about the whole thing.

RESPONSE TO WELCOMING ADDRESS, BY
HON. A. H. JONES.

Ladies and Gentlemen and Members of This Association: I have already complimented Governor Van Sant. It is a great pleasure for us to be welcomed by the governor of a great state like this. You remember but a few years ago when the commissioners of the different states—there were only a few states that had a commissioner—were not welcomed in this way. As the governor of this great state was addressing this convention I thought of the past. When I looked back over the laws of the different states and saw the hundreds of thousands of dollars that were appropriated by the legislatures of the different states for the purpose of keeping up a National Guard; when I think that my own beautiful state of Illinois gives \$340,000 for a National Guard and about \$35,000 for a food commissioner to look after the food of five millions of people, and I look at my friend Scovel, who tells me they have secured an appropriation of \$7,500 for a food commissioner in the state of Kentucky, I am glad that the governors of these great states of ours are beginning to realize what the food commissioners of the states have done, and Minnesota leads the van in this good work. We come here representing nearly every state from ocean to ocean, from Maine to Oregon, in the grandest cause that was ever espoused by mortal man or mortal woman, for I have the pleasure of seeing with us to-day a lady who is here in her official capacity.

As we look over the valleys of this country the

Nile fades into insignificance. As I came over the broad wheat fields of Minnesota this morning and saw the dairy farms I thought that all that nature could do for Minnesota had been done. When I see her great wealth piled up here in her cities, and her proud and intelligent people, and when I think of the grand work we are doing, it is a pleasure, ladies and gentlemen, to respond on behalf of this association to the welcome address of Governor Van Sant. It is a glorious cause. We have with us to-day some of the greatest men in this country. In the past they were generals; we have generals here, but not of that kind. They come in the pursuits of peace to build up these beautiful valleys, these hills of ours, and make them blossom as the rose.

When we go back a little over a century ago and see a few colonies planted along the Atlantic Coast and see this civilization of ours as it has gathered and grown from thirteen small colonies to forty-five of the grandest states that the sun has ever shone upon, and all of them dedicated to the cause of pure food, it is most gratifying. We come to-day as a band of brothers and sisters—let us not forget the sisters—espousing this cause and trying to build it up.

We have here with us Dr. Wiley, who is recognized as an authority on food products all over this broad land of ours. We have been reading of what he has done and what he is still doing, and I am satisfied he will do more from Washington than has been done by all these warriors for a thousand years. We are going to build up a civilization that will be the grandest on earth, and in order to have that civilization we have got to have the food, and it may be necessary, Governor, to have the drink. I cannot tell. We are going along this line of work and I want to speak of it and to speak of what Dr. Wiley has done and the help that we have received from him, and through him from the National Department of Agriculture. I have just read the rulings that have been made by them, and it has been of great assistance to me. One of the objects of this association is to arrive at a uniformity of rulings, and one of the greatest troubles that have been met with by the commissioners of the different states has been that when the first state enacted its laws it enacted certain provisions in regard to standards, rulings and so on, and when another state came along it made different rulings and different standards, and we have had to contend with that. The fact is that these questions in regard to rulings and standards of food products have been a source of trouble for all of us, in Connecticut, represented by my friend Noble so ably, as it has been in Oregon, represented by our worthy president, and here in Minnesota, represented by Mr. McConnell, the worthy commissioner of this great state. What we want is to do away with that

kind of thing, and we have here with us the manufacturers; I see some of them before me. I see men representing such firms as Reid, Murdoch & Co., Sprague, Warner & Co., Franklin MacVeagh & Co., and a number of other firms in my state, representing not only millions, but hundreds of millions of dollars, who come here in the interests of this cause. I want to say to you, ladies and gentlemen, it means much. It means more than we think. The great state of Illinois, which I have the honor to represent, five years ago had no commissioner. You could not go in any grocery store in the state and tell from the article or package what it was; you could not ascertain the name of the manufacturer or packer, or his address. To-day it can be done. What we are trying to do is to prepare this food for the human family so that they may know just what it is. That is what the packer wants. That is what the manufacturer wants. That is what the jobber wants; and when we have done this we will have accomplished more than tongue can tell, more than all the National Guards that you pile up the hundreds of thousands of dollars for can accomplish in a thousand years. When we look over these broad states of ours, when we travel, as these commissioners have traveled, from Maine to California and Oregon, and see the great resources and the wonderful things that have been accomplished within the last hundred years, which is but a short space of time compared with the slow progress of the old world, we find that we have built up a civilization, built up a people that is the youngest but the grandest on earth. We have got more of everything, thank God, than any other people, and when we meet to-day to talk these things over, we do not meet in a spirit of boasting, but in our respective capacities representing such a people and feeling, as we ought to feel, that respect to our governors and respect to the people that have backed us up, and the appreciation that every one of us should feel for all these things that we have. The good work is going on, and I want to say as we come here to-day to these people that it means much and it means more than it has ever meant before. We know how the people of Minnesota feel about it. We have read what they have said and what they have done and what they are doing now, and no better place could be found for this meeting, in my opinion, than in this beautiful city of St. Paul. As we see her magnificence, surrounded by these wheat fields and dairies and all that goes to make up the evidence of greatness in this morning of the twentieth century, we can perform our duties feeling that we are to have the grandest meeting here that we have ever had. Our brother McConnell told us at Portland last year some of your attractions; he spoke of your wheat fields and he spoke of these various things

that your governor has so ably portrayed, and we can well say, as did the Queen of Sheba when she had visited Solomon and viewed his possessions and saw their magnificence, that the half has not been told. Brother McConnell had kept back the best part until we got here, and when we see all these things we are glad we came. It reminded me when he told it a good deal of our friend Bailey, the commissioner from Oregon, when he invited us to Portland. He talked about the big trees, he talked about the beautiful flowers, he said they had them there more beautiful than anywhere else; he talked about the fish and told how they fished with horses, and I think a good many of them gave him, as they say in the parlance of the street, the horse laugh, when they heard it, and when they got out there and saw it all each one of them apologized to Brother Bailey for the half of it had not been told. And it is the same here in Minnesota. We feel after we have come here and seen for ourselves that Brother McConnell did not tell the half of it.

Ladies and gentlemen, I had prepared an elaborate address, but when I got here I found it was inappropriate; this was so much better, so much grander than what I expected; I saw so many people here that were interested, occupying all the avenues of trade along the line of food products, that I had to lay it upon the table and depend upon the inspiration of the moment. I feel now, on behalf of this association, that we have received that grand welcome that Brother McConnell said we would receive. I feel that there will be more accomplished at this meeting than has ever been accomplished in any meeting before. Feeling that way, I want to return thanks to the governor of this state for our welcome to this beautiful city. I am very sorry that Mayor Smith could not have been here this morning and met all these people that are here, and I want to say now in conclusion on behalf of the representatives of the packers, manufacturers and dealers that are present, that after we close at noon I would like to have the commissioners meet each and every one of them, for, as Governor Van Sant said, they are back of us, they are with us and they are looking forward to what we are doing to-day and are expecting us to obtain a unity of action whereby the food manufacturers and packers shall not have to keep a set of stamps and brands for every state in the Union, and a set of standards for every state in the Union. It means much to them with their goods, 45 states; it means not only hundreds of thousands, but millions of dollars to be saved to the people, saved to the consumers.

Ladies and gentlemen, while I would like to say much more, we have got a fine program and many other able speakers. I see Dr. Wiley, I see Pro-

fessor Scovel, and I see Major Alvord, who represents the dairy interests of the United States Dairy Division and who has done so much to build them up, and who is present with that intense zeal and enthusiasm that has marked his course from the time of his appointment down to the present time. He is here in accord and sympathy with us and wants to help along in this great work. I want you to hear from them. We have a program that is interesting.

Again, on behalf of the convention, I want to thank the Governor, and through him the people of this great state and city, for this magnificent welcome.

MR. MCCONNELL: Ladies and Gentlemen: This morning is one round of pleasure. It is now my pleasure to introduce a man to you whom to know is to love, a man who made it so exceedingly delightful to us in Oregon last summer, and in speaking of him I am reminded of what Henry Ward Beecher once said about the strawberry. He said he had no doubt but what the Lord could have made a better fruit, but evidently he never did. So, my friends, we might have a better man than we have in our President, the Hon. J. W. Bailey of Oregon, but I don't believe we ever had. I have the pleasure now to introduce him to you, and he will then take charge of the meeting.

PRESIDENT BAILEY'S ADDRESS.

Gentlemen of the National Association of State Dairy and Food Departments: It is indeed a great pleasure and honor to have the privilege of addressing this distinguished body to-day. It is a task which a practical man like myself can hardly be expected to perform efficiently. To suggest or to name some of the matters to be discussed before this body or to outline new fields of labor which continually confront the pure food commissioner is a duty involving much responsibility and one requiring more thought and study than I have had time to give it. Yet I wish you to bear with me in the few remarks and suggestions that I desire to make on this occasion.

First, I wish to express the gratification I feel for the goodly number present. Your presence evinces the amount of interest taken in the work of this organization, which has for its purpose the enforcement and regulation of the pure food laws of this nation; a higher purpose or a nobler work is the duty of no other organization.

Again, I desire to express my grateful appreciation of the hearty welcome and the many hospitalities extended to us by the citizens of this city of St. Paul, or, to speak more broadly, of the citizens of the state of Minnesota. It has long been my wish and desire to visit this city and your state. Well do I remember when a boy, studying my school geography, that Minnesota

was one of the border states away out West. Now from my home on the Pacific coast it is way down East. Last year after duly considering the invitations extended to us from many places, we decided to hold our annual meeting at St. Paul. I can say for one, and I believe it to be the sentiment of every commissioner present that during the entire history of our association we have never received a more cordial welcome or had a more appropriate or entertaining program than that which has been prepared for us at this, the seventh annual convention of the National Association of State Dairy and Food Departments. Now, fellow commissioners, I feel that this is a great deal for me to say when we remember that one year ago this association met in my own city and state, the state "where rolls the Oregon."

This association is one of comparatively recent origin, and like other movements for the common good and welfare of the nation, it had its beginning. Yet its growth and development has been almost incredible. At first the movement received the approval of but few. The wholesale merchants antagonized the issue and said it would never be a success. The manufacturers fought it and tried to overthrow the pure food laws by proving them contrary to the constitution. The general public was loathe to appreciate the immense value of the righteous movement.

But right will prevail despite whatever power may oppose. The object of the food and dairy commissioners has a righteous cause. The first commissioners who commenced the bitter struggle realized they were the apostles of a just creed. They were heedless of rebuffs and sneers that were thrown upon them and pursued their course with might and main. They knew that when the gale of ephemeral criticism had subsided that the pure food movement would be seen in a different light.

The gale of criticism has already commenced to subside and we are beginning to see the dawn of a new era. To-day we have with us the leading manufacturers and merchants of the land. They have come for the purpose of co-operating with us in our work. Together we can discuss the different matters that come up before us. This not only means much added strength, but it means a greater impetus to the movement which we advocate.

Let the past be as it may, we must turn our attention to the future. The National Association of State Dairy and Food Departments is still in its incipiency. In my opinion, and I believe it will meet the approval of every dairy and food commissioner present that one of the greatest needs of the pure food movement is a national pure food law, with a commissioner at the head who shall be a national food commissioner with laws governing all the various questions that

shall arise. This project has been debated and discussed to considerable length at previous meetings of this body. At Portland, Oregon, last year the commissioners framed a National Pure Food Law which they deemed the most appropriate and beneficial that could be made for the present needs of the nation. This bill was introduced before the House by Oregon's representative, Hon. Thos. H. Tongue, who died soon after its introduction. This bill was then dropped and not a thing more was done with it. Soon after, however, a National Pure Food Bill, known as the Hepburn Bill, was introduced in the House of Representatives. There it received various amendments which tended to decrease its value and scope of authority. It then passed the House and was so reported to me. The executive committee of this association and myself were summoned to Washington with the understanding that this bill was to be held in committee until it could be considered by us. But upon our arrival there we found it had already been reported out of the committee and was ready for its final passage in the senate. Owing to the immense amount of business before the senate at that time the bill was carried over and finally dropped. Such in brief is the history of the pure food legislation since our last conference.

The task of preparing another National Pure Food Bill is before us. The value of a National Pure Food Law is apparent to every commissioner. How much easier would be his labor when the law which applies to one state applies to the other as well. When the food commissioners have laws provided which will enable them to act in unity their work will be made more simple and efficient. We have all met with many instances where manufacturers have had a certain quality of goods for one state and a different quality for another state. With a national law this would be largely avoided.

Fortunately for this organization, we will have a man in the coming session of Congress that has always been in sympathy with this movement, and one who has years of experience as state dairy and food commissioner of the state of Wisconsin. I refer now to the Hon. H. C. Adams, and while he can do much, we cannot expect him to do all, and it is the duty of every commissioner to put himself in touch with the representatives and senators of his state and see that they are thoroughly posted and acquainted with what is expected to be done by them. We must be unceasing in our efforts to secure its passage. There are so very many matters that come up every year that you will not only have to get a majority in the House in favor of it, but will have to get its members so enthusiastic about it that they will see that it takes the precedent among matters, and is given a hearing.

Another matter which I believe should be incorporated in this law is the one regulating weights and measures. There are a great many articles in commerce which do not weigh what they are represented to weigh. In some of the states there is a law regulating the weight of butter, and wherever it is enforced gives general satisfaction. The law should embrace every food product sold.

There are many other suggestions which I might make, but there are many of you who are better informed and who see more keenly the immediate needs of the pure food movement. Hence it is hardly necessary for me to go further into detail.

It is with a heart full of gratitude that I acknowledge the good work performed the last year by the secretary and executive committee of this organization. They have been tireless in their efforts to make this a successful meeting, and I trust their hopes and expectations will not be disappointed. Men of talent and authority have been secured to address us on pertinent topics. It augurs well for this to be the most successful meeting which has ever been held.

Let us not be discouraged, fellow commissioners, when we look upon the great work awaiting us. Never did a greater responsibility rest upon any body of individuals than that which now devolves upon us. But remember that "the reward of one duty is the power to fulfill another." Let our aspirations be as high as the principle for which we act. Let us not be pigmies in a cause that calls for men. May we be imbued with the same spirit which propted the early colonist to go forth and fight for liberty, and may our work go down as one of the brightest chapters in the history of this organization.

The next thing on the program is the appointment of the Committee on Resolutions, and I will name on that committee A. H. Jones, of Illinois; Prof. M. A. Scovell, Kentucky; J. Q. Emery, Wisconsin; Prof. J. H. Shepard, South Dakota, and J. B. Noble, Connecticut.

We will now have the roll call by states. As each state is called that is represented here, give the name of the Commissioner, Assistant Commissioner and Chemist, with their initials and titles.

The Secretary then called the roll, which showed the following states to be represented and the persons present:

Colorado—Mrs. Mary L. Wright, Dairy Commissioner; Miss Ellen Wright, Deputy.

Connecticut—J. B. Noble, Commissioner; R. O. Eaton, Assistant Commissioner; H. O. Avhill, Commissioner of Domestic Animals; A. L. Winton, Chemist.

Illinois—A. H. Jones, Dairy and Food Commissioner; R. M. Patterson, Assistant Commis-

sioner; E. N. Eaton, State Analyst; Miss Lucy N. Dogget, Assistant Analyst; Mrs. Frank Hubbard, Inspector; Carl E. Tragardh, Inspector.

Idaho—Alex. T. McPherson, Dairy, Pure Food and Oil Commissioner.

Iowa—H. R. Wright, State Dairy Commissioner; W. E. Smith, Deputy.

Kentucky—M. A. Scovell, Director Experiment Station; R. M. Allen, Secretary Food Division; J. O. La Bach, Chemist.

Michigan—R. E. Doolittle, State Analyst. E. O. Grosvenor, ex-Dairy and Food Commissioner.

North Dakota—E. F. Ladd, Food Commissioner; E. E. Kauffmann, Dairy Commissioner; Hugh McGuigan, Assistant Chemist.

Ohio—Horace Ankeney, Dairy and Food Commissioner; Roscoe J. Mauck, Attorney.

Oregon—J. W. Bailey, Dairy and Food Commissioner; H. B. Cutlip, Assistant Commissioner.

Pennsylvania—N. B. Critchfield, Secretary of Agriculture; George G. Hutchinson, Assistant Food Commissioner; William Frear, Chemist, State College, Pa.

South Dakota—C. P. Sherwood, Commissioner; J. H. Shepard, Chemist; F. E. Hepner, Assistant Chemist.

Utah—Moroni Heiner, Commissioner; Herman Harms, Chemist.

Wisconsin—J. Q. Emery, Commissioner; Richard Fischer, Chemist; H. B. Gurler, De Kalb, Ill., E. Suddendorf, representative Louisiana Purchase Exposition.

The United States Department of Agriculture was represented by Major H. E. Alvord, Chief of the Dairy Division, and Dr. H. W. Wiley, Chief of the Bureau of Chemistry.

MR. ALLEN: In this connection, Mr. President, I wish to state that the Executive Committee, which met in Chicago to consider the program, extended to the Secretary of the Department of Agriculture an invitation to attend or send a delegate to this convention. The Secretary is very much interested in pure food legislation, and he sends us the following letter:

The United States of America, Department of Agriculture.

To All Who Shall See These Presents, Greeting:

Be it known that Doctor Harvey W. Wiley, Chief of the Bureau of Chemistry of the United States Department of Agriculture, is hereby appointed a delegate from the United States Department of Agriculture to the meeting of the National Association of State Dairy and Food Commissioners, to be held at St. Paul, Minnesota, July 21, A. D. 1903. The object of this action is to manifest the earnest desire of the United States Department of Agriculture to assist the

Dairy and Food Commissioners and other officials of states in charge of the execution of food laws, to the greatest extent possible in enforcing rigidly the provisions of the laws of the various states. By authority of Congress I have charged Doctor Harvey W. Wiley with the duty of executing on the part of the United States Department of Agriculture the laws now in force relating to the importation of misbranded, adulterated and injurious food products and to the false labeling of domestic food products, believing that in the execution of these two laws the United States Department of Agriculture will be able to afford material assistance to the National Association of State Dairy and Food Commissioners.

In witness whereof I have hereunto subscribed my name and caused the seal of the Department of Agriculture to be affixed. Done at the City of Washington, District of Columbia, this eighteenth day of July, A. D. 1903, and of the Independence of the United States of America, the One Hundred and Twenty-eighth.

JAMES WILSON,
Secretary of Agriculture.

MR. ALLEN: I will ask those who represent the various manufacturing firms to give us their names and the names of the firms they represent.

The following were present:

L. M. Frailey, representing Association of Manufacturers and Distributors of Food Products of America.

Robert A. Badger, Curtice Bros. Co., Rochester, N. Y.

Franklin MacVeagh & Co., Chicago, W. T. Chandler.

Sprague, Warner & Co., Chicago, J. D. Miller.

Reid, Murdoch & Co., Chicago, Frank H. Madden.

H. J. Heinz & Co., Pittsburgh, Pa., R. J. Evans, Glen F. Mason, E. W. Duckwall.

Preservaline Mfg. Co., Chicago, M. Neuburger.

Benton Fruit Products Company, Benton Harbor, Mich., G. B. Gehlert.

E. Berghausen Chemical Co., Cincinnati, O., E. Berghausen.

E. H. Taylor, Jr. & Son, Frankfort, Ky., E. W. Taylor, Jr.

Arbuckle Bros., James Turner, Merritt Brown.

Stoll Co., Lexington, Ky., R. C. Stoll.

H. Kohnstamm & Co., Chicago and New York, M. V. Kohnstamm, Edward Gudemann, Ph. D.

Chas. E. Meyer & Co., Freeport, Ill., F. W. Siecke.

J. W. Cooper & Co.

D. B. Schulte & Co.

J. M. McVean, Milk Shippers' Union.

Charles F. Loudon, Cincinnati, O., Charles F. Loudon.

PRESIDENT BAILEY: This will conclude the program for this forenoon and I want to call your attention to this evening's program conducted by Prof. H. W. Wiley. I am informed by the Commissioner that the larger room of the House of Representatives has been secured, so that all can be accommodated. This will probably be one of the most interesting lectures you have heard and we would like to have you all come and bring your friends.

Convention adjourned to meet at 3 o'clock p. m. the same day.

AFTERNOON SESSION, JULY 21ST.

Convention met pursuant to adjournment at 2 p. m.

PRESIDENT BAILEY: The first thing on the program is an address by the Hon. H. C. Adams, of Wisconsin, on the subject of a National Food Law. Mr. Adams was formerly Dairy and Food Commissioner of that state, but has been elected to Congress and will be in the next session. He has given the subject of national food legislation a great deal of thought and I know you will be delighted to hear him. I now have the pleasure of introducing Mr. H. C. Adams of Wisconsin.

H. C. ADAMS' ADDRESS.

We want a national pure food law to stop food adulteration in this country.

We want a national pure food law to protect the health and pockets of our people.

We want a national pure food law so that state lines shall not be walls of protection for frauds.

We want a national pure food law so that the great power of the federal government can supplement state authority in making food products honest.

We want a national pure food law so devised that it shall be a model for state legislation.

We want a national pure food law so drawn that all the power of congress over interstate commerce, granted by the constitution, shall be exerted to stop the shipment from state to state of falsely branded or adulterated foods.

We want a national pure food law so drawn that the manufacture as well as the sale of foods can be regulated.

We want a national pure food law to lift the standard of American food products and improve our reputation in the markets of the world.

We want a national pure food law which shall be strictly within the lines of the constitution.

We want a national pure food law so drawn that it shall provide for efficient executive force with ample means and machinery to follow dishonesty as far as the law can go.

We want a national pure food law into which shall be clearly and explicitly written a standard for every form, combination and mixture of food

now known, that shall be the plain law of the land.

It is not necessary in a meeting of this association to picture or assail the evils of food adulteration. It would be a waste of words, of rhetoric and of time to make an argument in behalf of the principle which underlies pure food laws. The judgment of this association is settled upon this question. And not only this, but public opinion has been so thoroughly stirred during the last decade that the evils of food adulteration are rather exaggerated than underestimated in public judgment.

The members of this association are fighting a great evil, but they should use no weapon but the truth. The people of this country are not all going to premature graves because of food adulteration, and universal bankruptcy will not follow even if we permit the grocer to mix middlings with his buckwheat flour and sawdust with his pepper. The limitation of facts is broad enough to furnish us a solid foundation upon which we may build a structure of national sentiment and national law which shall minimize the evil which the members of this association are endeavoring to destroy.

It is easy for some food commissioner to have a thousand samples of food analyzed, find 300 of them adulterated or misbranded, and then announce to the world that 30 per cent of the food products of the United States are adulterated. It is easy enough for some student of statistics, in his closet, to figure out exactly what the American people pay for adulteration each year, and it is easy enough for some medical authority to say that because more or less salicylic acid goes into our fruits, boracic acid into our meats and formaldehyd into our milk, that the American people are stumbling down the hill of physical degeneracy. The trouble with these statements is that nobody knows nor can know whether they are true or not. They are simply the outcome of independent judgment and should pass for exactly what they are—unreliable estimates.

The great mass of food adulterations are harmless so far as the public health is concerned. But an adulteration without injury to either health or pocket is almost impossible. In the main, men adulterate foods simply to make money, and human greed is so strong that it is willing to use either sawdust or poison in accomplishing its purpose.

The evil of food adulteration is not a thing of a day or a year or a century. It will last until human nature changes. Destroy it in one place or in one form, and it will spring up in another place or in another form, and will continue to do so until the gospel of Christ becomes the law of life.

Nearly every state in the Union has pure food

laws of greater or less scope and efficiency. These laws are being constantly strengthened and amplified, as experience dictates. Dairy and food laws have been made effective within the limits of states because dairy and food commissions have been established to enforce them. These commissions have worked conscientiously and effectively. They have been the means of amending and strengthening the laws within their several states. They have made it dangerous to violate these laws and, better than all, they have educated public sentiment and the food producing trade as to what is being done and what should be done in the way of food production and sale.

But every dairy and food commissioner in the United States who is sincere and conscientious in the discharge of his duty and anxious to enforce the law and punish real offenders is compelled to stop at the boundaries of his state and grind his teeth in rage when he finds that the manufacturer of an adulterated food lives over the line, is flooding his state with goods made in violation of law and is utterly beyond his reach for punishment. It is to remedy this that we desire a national pure food law.

The laws of the several states, while aiming to accomplish the same purposes, have a diversity of statement and of character which is a very serious embarrassment to the legitimate food manufacturing interests of the country, and the laws of the different states, when exactly the same in phraseology, are subject to varying interpretations of the individual commissioners who are called upon to execute them. This is a serious embarrassment to the trade. The manufacturers and dealers in food products have some rights as well as the consumers. The men who are dealing in legitimate products should be as much interested in a national pure food law as any consumer of these products.

For twenty years an agitation has been going on in the halls of congress and in the country for a federal law upon this subject. Year after year and session after session it has failed. Individual jealousies, conflicting ambitions, warring trade interests and the sensitiveness of a certain portion of the representatives in congress upon all questions affecting the rights of the states, have so far prevented the enactment of a national law. Most unfortunate of all, the friends of pure food products have not been agreed as to what the details of the proposed law should be. Dairy and food commissioners, punishing retailers, both innocent and guilty, for the sale of unlawful products, have been eager to reach in some manner the outside manufacturer or jobber who is the real offender. These commissioners have been executive officers and have dealt with the law practically and not theoretically. Their experience has taught them something about statutes, about

juries, about courts and about men. They have insisted that if a national pure food law is to be passed, it shall be so constructed as to punish criminals rather than to simply create offices.

The subject of national pure food legislation is no light one. It materially affects an annual food product amounting to nearly \$4,000,000,000. It may materially affect to a greater or less degree every food manufacturer, every grocer and every home in the land. It is an exercise of one of the supreme powers granted to congress by the constitution. Its justification would lie in the magnitude of the evil at which it strikes and in the volume of popular judgment for it.

The law should be drawn regardless of special interests. The rights of the producer should not be forgotten in eagerness to protect the health and pocket of the man who buys. In cleaning our domestic pantries, we should not unduly hamper the men who manufacture for export.

A national pure food law should have written into its letter such a specific standard for every food product known as will satisfy the best judgment of this association. This statement may produce a riot, but why should we have a definition of foods, followed by a definition of what food adulteration is, followed by the appointment of some commission to establish standards under the supervision of some commissioner who may disagree with the commission and who in case of a prosecution, will be compelled to go before a jury with the standard of the commission in one hand and his own judgment in the other, both possibly opposed and both possibly wrong, and all absolutely at the mercy of the jury and the court that tries the case. Instead of delegating to this body and to that body year after year this matter of food standards, and having interminable discussions and interminable conventions, why not do the best we can with the knowledge we have and give notice to the trade in the letter of the law of what is required of it? Will there be any difficulty in making a standard for flour, a standard for cheese, a standard for milk, a standard for cream, a standard for vinegar, a standard for spices, a standard for baking powder, a standard for honey, a standard for sugar, a standard for syrup, a standard for coffee, a standard for extracts, a standard for meats, a standard for jellies, a standard for lard? This direct method would avoid endless confusion. The state laws could be readily made to conform to the national law. The trade would not be at the mercy of the varying judgments of twenty or thirty food commissioners. Some little injustice might be done here and there, but this could be remedied by amendments to the law.

The pure food bills which were before the fifty-seventh congress provided for a commission of certain distinguished scientific gentlemen who

should determine the standards of food products, and further provided that such standards might be read as evidence in the United States courts. Of course, that was all that could be done. A commission, however eminent in character, in abilities, public service and scientific knowledge, could not make a law or compel a jury to accept its judgment. But, if it is written into a national law, for instance, that buckwheat flour and wheat middlings, when mixed, shall not be sold at all, or if sold, shall be labeled to indicate that they are so mixed, when an action is brought, there is a plain case for the jury if the fact is proved that the prohibited article was sold.

Concede that there may be a limited number of foods that it is impossible to classify and define in so simple and distinct a way that such a definition or classification would be intelligible in a statute. Leave those articles, if there are such, to the tender mercies of a general law and the complicated judgments of agents of dairy and food commissioners, of the commissioners themselves, of district attorneys, lawyers, courts and petit juries.

The Hepburn bill, the Brosius bill, the McCumber bill and other measures which have been before congress have provided that any dealer charged with a misdemeanor under such a law, having in his possession a certificate of the genuineness of his goods given by a manufacturer or jobber, should be acquitted. This one provision would absolutely nullify and destroy the force and effect of any national pure food law that might be passed.

It is impossible, undoubtedly, under the constitution, for a national law to reach a retailer within the states. The Supreme Court of the United States has determined that when goods from another state have been mixed with the goods of a retailer, they thereupon cease to be articles of interstate commerce and are wholly within the province of state laws. But a dealer may be a retailer and he may not be a retailer. He may be a jobber in the city of Chicago. He may be engaged in purchasing food products from New England, storing them in Chicago and shipping them to Wisconsin. He may have the most extensive business in the United States in transporting or causing to be transported food products from state to state, and yet if, under the Hepburn bill, or the Brosius bill, or the McCumber bill, he presents in any court a certificate of the genuineness of his goods, whether that certificate is true or false, he is to be immediately acquitted. A provision of this kind would be the rankest absurdity that was ever written into law. It would not dam up the rivers of adulteration; it would simply divert their course.

The highest art in the enactment of statutes is to make them so strong that to the highest pos-

sible extent they will enforce themselves. The highest art in defeating laws is to draw them with such cunning ingenuity that while bearing a fair countenance they shall carry in every line and section the seeds of litigation and disaster in the courts.

Make your national pure food law specific. Incorporate in it your standards.

Make the head of the pure food commission a presidential appointment under the general supervision of the department of agriculture.

Give to the head of the pure food commission the appointment of his subordinates. Make those subordinates, every one, responsible to him, and make him responsible to the secretary of agriculture and to the President of the United States, who shall appoint him. You will then have a direct burden of responsibility and when something goes wrong, the public will know where the responsibility should rest.

The head of this department should be appointed because the friends of pure food legislation want him appointed and not because he wants it.

It is an executive position and the law should not be so drawn that the incumbent of some other office must inherit this office. This is not a veiled attack upon the officials of the department of agriculture at Washington who have favored a national pure food law which should make the chemist of that department the head of the pure food bureau.

The members of this organization understand thoroughly the great service Dr. Wiley has rendered the department and the country during his connection with the division of chemistry. We appreciate him as a scientist, as a genial and accomplished gentleman, and in asking for the enactment of a law which shall make the head of the proposed bureau a presidential appointment, we do it through no lack of friendliness for our national chemist, who has won a world-wide reputation. We are occupying the position we do upon this portion of the bill simply as a matter of plain business. A chemist might be the best man in the world for an executive office, but his scientific training, as a rule, develops him in other directions. The head of the pure food bureau will have under his control chemists, detectives, lawyers and hundreds of agents all over the United States. It is a position for an active man of affairs rather than a scientist.

It is a serious question as to whether or not drugs should be included in the provisions of a national pure food law. The general judgment of the dairy and food commissioners is probably against it. There is not opportunity within the limits of this paper to discuss the subject at length.

It should not be forgotten by those who are opposed to including drugs in this measure that

when the machinery is prepared for the enforcement of a pure food law, it will be well equipped for taking care of drug adulteration. There is a strong sentiment in this country in favor of such a measure. While the purity of our food affects materially public health, the purity of drugs, which are prescribed by every physician in the land is an important element every year in determining the life or death of hundreds and possibly of thousands of our people.

On the other hand, under the close scrutiny and insistent demands of the medical profession, the manufacturers of drugs are supplying the trade with a purer and better product than ever before. Physicians are an intelligent and educated class. They are the real consumers of this product. Upon its purity depends their success. They are alive to this fact. Nearly every physician in the country knows of established houses that make pure drugs. Competition in the drug business to-day is in the direction of a purer and better product and not in the direction of cheapening the cost. The pharmaceutical associations of the United States have been giving this subject close and intelligent attention. Drugs are prescribed by men who are required to have special training. The drug laws of the various states are carefully drawn and fairly well enforced. It is an open question as to whether the magnitude of the evil of drug adulteration is sufficient to warrant a federal law upon this subject.

A national pure food law must deal with the question of preservatives. There is something of a hiatus of judgment as to their effect upon the public health. It certainly would not be an injury to the public health to prohibit the use of salicylic acid in fruits, formaldehyd in milk and boracic acid in meats. Preservatives in foods undoubtedly retard the digestive processes. It may be impossible to prove in a specific case presented to a court that a person has been injured in health through the use of a food containing a preservative. But it is clearly possible to avoid all chance in this matter by a plain prohibition, written into the law itself, of the use of such preservatives as the friends of the law may deem to have an injurious tendency.

In framing this portion of the law the conditions and necessities of our export trade should be carefully and fairly considered. If it can be shown, for instance, that the use of a preservative is an absolute necessity in the shipment of beer to tropical countries, or the use of boracic acid is necessary in the preparation of meat products for shipment to foreign countries, exceptions should be made. These would simply be questions of fact and could be easily and surely determined.

As liquors come within the scope of state food laws, they should undoubtedly be brought within the range of national legislation. The stand-

ards should be written into the law and the penalties for false branding, the copying and stealing of labels and the use of poisons should be definitely and rigidly regulated. Whether liquors are a necessity or a luxury, the extent of their use is enormous, the property interests involved are very great, and the honest manufacturer as well as the consumer should have all the aid that a national law can give to free the business of deception and dishonesty.

A national pure food law should carry with it in the beginning a definite and liberal appropriation. When a bill is presented to congress undertaking any new work for the government, that body always wants to know and should know, what it will cost.

The salaries should be sufficient to command the best talent. The pure food bureau should be a hive of bees and not an asylum for unfortunate politicians. The cost of operation of a law of this kind would bear small proportion to the benefits that would accrue to honest trade and to the consuming public.

We can afford to be honest in this country and we can afford to pay out money to make other people honest. We cannot afford to trifle with the public health. We can afford to make the food products of the United States pure and honest.

A national pure food bill will undoubtedly be presented to the next congress which will embody the judgment of this association.

The enactment of a law requires much more than the introduction of a bill.

A bill which promises to be effective will be bitterly fought.

The friends of the proposed measure must do some work.

A strong effort should be made to enlist the support of the trade organizations.

Every agricultural paper in the land can be enlisted. Every agricultural organization in the country should be brought into service.

When a great popular demand for a law is made clear to congress that body usually satisfies the demand.

The dairy and food commissions of the state should be made active centers of organization.

Consumers and producers of food products can be lined up in solid column by hundreds of thousands to ask of congress protection against fraudulent foods.

Let this association apply itself actively to the work of organization and we will place a pure food law upon the national statute books which will effectively prohibit interstate traffic in dangerous and dishonest foods.

MR. JONES: Mr. Chairman, and Ladies and Gentlemen: I have been very much interested in Mr. Adams' paper. He has handled the sub-

ject I think as ably as it could be handled and it does seem to me that there is not very much to be said upon the subject. We, as Commissioners, who have been trying to enforce the laws of our respective states, know how difficult it is to enforce them on account of the multiplicity of rulings that we find. For instance, I am the Commissioner of Illinois, and in my state is the great city of Chicago, and there we have manufacturers, packers and jobbers, who have customers in nearly every state in the Union, at least in all of the adjoining states, and when the question comes up as to how their goods shall be labeled, stamped or branded, we have a great deal of trouble in regard to these questions; and there is only one way, I think, as Mr. Adams has said, there is only one way in which this question can be solved and solved correctly, and that is by a national law. We must have such a law in order to have this unity of action and of standards. If we can accomplish that then the matter will simplify itself. As was said by the gentleman who so ably discussed this question in his paper, the whole question is now one that is up to Congress. I have great expectations as a Commissioner in regard to this matter. I feel that we are now on the eve of obtaining a national law. We have been, as stated by Mr. Adams, for twenty years trying to get some national legislation for the benefit of the people of this country. That is not long, but in one sense of the word it is a good while. We have had quite a number of bills before Congress; some of them have passed the House and gone to the committees of the Senate and all that, but up to this time we have had no champion there who fully understood the necessity of a national law to assist the Commissioners of the various states in enforcing the laws of the states.

We have now, ladies and gentlemen, and my co-workers in this good cause, we have upon the floors of Congress such a champion in the person of the gentleman who just addressed us. Mr. Adams has just been elected to Congress. We, as Commissioners from the different states, expect much of him. He is a modest man and he speaks of these things in a modest way, but I want to say to you from my knowledge of him and my association and connection with him, that he will be a lion in the path of these people who traffic in adulterated goods, and he will see to it—I have every confidence on earth in him—that our bill is properly presented and passed through the next Congress, not only the Lower House but the Senate as well, and that we will obtain this much needed law. These gentlemen who have come here from all over the United States to see if they cannot find a remedy, as packers and jobbers and manufacturers of various food products are interested,

as has been shown to you, in this matter. They want something done; they do not want to be obliged to keep a separate set of labels for Illinois, Indiana, Ohio and so on for every state in the Union. What they want is a sensible label law that will apply to ever state and every territory, every part of our broad domains, whether on this continent or in our foreign possessions. It can be done. I have confidence in the wisdom of Congress, and I think that as soon as this matter is presented to them in the proper way from the Food Commissioners' standpoint and by one who has had the long experience that Mr. Adams has had, we will secure such a law.

Now, ladies and gentlemen, I do not wish to take up longer of your time. I feel we are on the high road to success. I feel that we are going to secure this law and when we have it we will not be confronted by state lines; the doctrine of inter-state commerce will not be hedging us about, but all over this country we will have efficient servants enforcing the law regarding general food products just as we now have along certain lines, such as oleomargarine and other products where the government has stepped in to help us.

As there are quite a number of others to discuss this question, I give you briefly my views. I felt, as I have said, that we are now going to obtain this law. We have every confidence in Mr. Adams. In fact, every Food Commissioner that was interested in this matter was for Mr. Adams; true, we could not vote for him, but we all hailed him and encouraged him and cheered and congratulated him when he was elected. Now let us uphold his hand; let us help him and see that this work goes along through the next Congress.

PRESIDENT BAILEY: We will now hear from our worthy Secretary, Mr. Allen.

MR. ALLEN: It is possible for any man or for any set of men or for any organization to draft what they consider an ideal law, but sometimes the law that is driven through the burning fire of conflicting interests is a different one and generally the best. There may be one point at which the chemist may look at it; there may be one point at which the Commissioner may look at it; there may be one point at which the wholesale and retail grocer may look at it, and there may be one point at which the druggist may look at it, and there may be one point at which the manufacturer and importer must look at it, but, gentlemen of this convention, when you pass that law it is the common point, which after all is the best point, because it has been chosen from the conflicting interests that should be heard, and every sentiment and every opinion should enter into what we will at last

draft into the principles of a national food law. I want to also lay down the proposition that the history of every important piece of legislation that has ever been passed by Congress shows that you cannot draft what you consider or what any one man considers to be the principles of an ideal law and have it passed. The fundamental principles must be enacted and then necessity will mend that; experience will bring provisions that can be added to it, and when they are added you will have what we will consider and what will be perfection in national food legislation.

If there is a necessity for the pure food laws of the several states, then there is a necessity for the proposed national law. If there is any reason why the adulteration and misbranding of food products within its borders, why the United States should not prevent the same evils when the articles of food crosses the border line of that state and becomes an article of interstate commerce. If there is any necessity for pure food in Maine, it should be pure when it reaches San Francisco; the salmon packed in Oregon should be pure when it reaches New York; and the industries of Illinois, Indiana, Ohio and Michigan, in Maryland and Pennsylvania, should observe the same standards of purity and put the same brands upon their food products shipped into the South as their state food laws require in the state where the article was manufactured.

We need this law to harmonize the discordant provisions of our state laws, and like a cap sheaf perfect American food legislation. We need this law to encourage or cleanse our national food industries. We need this law to guarantee honest markets to the food products of every section wherever they are shipped. We need this law to encourage and protect the purity and quality of the food products of American fruit gardens and farms. We need this law to expose frauds that the states cannot successfully expose, and eliminate adulterations before the food product is set afloat into the intricacies of interstate commerce trade.

If the United States has the constitutional power and finds it expedient to regulate the rates of railroads, and to regulate the interstate trade and traffic of the industries. If the national congress has the power to pass the provisions of the Sherman act, surely it has the power and would find it most expedient to regulate the purity of the articles of food that shipped from one state into another. This proposed national law is justified by necessity; it is sanctioned by that right which the states have ceded to the national government to provide for the regulation of such affairs among the states and citizens as have

grown beyond state control, and which from their character and magnitude are matters affecting the rights not only of citizens where they arise, but of other states as well.

The passage of this law will jeopardize no state right. It will only control the sale of food products where they are subjects of interstate commerce, and prevent the introduction into and scattering into the rural markets of a state, adulterated articles of food manufactured outside of that state, and against which the courts of the state cannot proceed. This law will only be enforced where the results of chemical analyses give the most certain and scientific evidence that its provisions have been violated.

There is some objection to this law in some parts of the country because it is believed that a federal control over what we eat will bring it too near to our every day life. This is a mistake; the law will only operate over those whose business extends over the boundaries of their own state, and then, only over such articles as are to be shipped out of that state. The local grocer will not be arrested by federal authorities; but, on the other hand, the proposed national law will relieve him of the responsibility of finding out the character of food which he did not manufacture, but for the purity and proper labeling of which he is responsible; for the goods will have been subjected to the very best requirements of food legislation before they leave the factory for his state.

But there is overwhelming testimony to show the necessity for and to justify the immediate passage of a national food law. Thousands upon thousands of expert examinations and analyses made by the state food commissions, the state experiment stations and the United States Bureau of Chemistry show adulterations and conditions which should be made public and controlled. All of the states have statutes against the adulteration and misbranding of food products; in fact, it is an offense at common law to adulterate the people's food. Most of these states have organized departments to enforce general food laws aimed at all classes of adulterations.

It is easy to draft what any single person or organization considers a model law, but it is hard to convince a majority of the other individuals and organizations that your law is perfect and pass it. There are some reasons why a law has not been passed; there are some conflicting interests; there are some different ideas as to the wisest provisions, and there are some different views as to the machinery through which to enforce it.

It is also objected that the bill should provide only for the regulation of the food products and should not include drugs or cattle foods. The bill is primarily provisioned and intended to

control the purity of foods, but some of its provisions can be extended to drugs and stock feeds, and why not? If a separate drug law is enacted the food department would already have the machinery equipped and organized to enforce it. There should also be a control over stock feeds, for they are adulterated to the same extent as articles of food for men. The adulteration and misbranding of all these articles is one broad subject, only necessitating a division of work. The drug interests are giving their support to the passage of this law, and all the argument there can possibly be for a separate law is, not by far, enough to hinder and embarrass the passage of the proposed national food law.

Again it is objected that the provisions of the bill should not be enacted unless Congress provides separate machinery to enforce it. But Congress is disposed to think that the government has already enough machinery equipped to start this work; machinery that needs only the appropriation and power to put the results of twenty years study of food adulterations into effect. And the great manufacturing interests do not want machinery so separate that it can be influenced to make decisions and bring prosecutions that are not wise and just. It is true that an organized force of inspectors, assistants directed by a broad man who will give his time and attention to the work of enforcing the law, but whether this man shall be a secretary, a bureau chief or a division officer will be matters of secondary importance in the passage of the bill, and will depend upon the extent of the work after it is organized. Congress, however, is adverse to creating any new Bureaus or offices until it is impossible to do without them.

All agree that the bill should be administered by the Secretary of Agriculture, for it will be more of a scientific work along food lines, and this department is engaged in the study of all other food problems. The discovery of the adulteration or misbranding will depend entirely upon the results of the examinations in the chemical and microscopic laboratories, and the secretary will depend upon the already well equipped Bureau of Chemistry to furnish this information, and when it is furnished he will co-operate with the department of justice to have the findings prosecuted. The United States Bureau of Chemistry has made more analyses and examinations of food products, has more collaborated information concerning adulterations and has studied this part of the food problem more than any other laboratory in the world.

There is already some national food legislation enforced in this way. The Sherman act has a provision which states: "That no person or persons, company or corporation shall introduce into any state or territory of the United States or

the District of Columbia from any other state or territory of the United States or the District of Columbia, or sell in the District of Columbia or any territory and dairy or food product which shall be falsely labeled or branded as to the state or territory in which they are made, produced or grown, or cause or procure the same to be done by others."

A recent law passed by Congress authorizes the secretary to inspect the purity of the imported and exported articles of food and drink, co-operating with the secretary of the treasury. This law also provides for co-operation with the Official Agricultural Chemist to decide upon food standards. This and the provision in the Sherman law are enforced through the Bureau of Chemistry.

Last winter the executive committee of this association appeared before the chairman of the Senate Committee on Manufactures, Senator McCumber. The report of the last day of this meeting shows the position of Senator McCumber toward the food bill, and clearly shows that he is earnestly in favor of the best bill possible. It was the sentiment of the committee and also of Dr. Wiley that all interests and forces would support the best bill that we could have recommended by the senate committee. Senator McCumber stated to the committee:

"The Chairman: This bill, as recommended by the committee, covers only two great features—the prohibition of interstate traffic in adulterated articles and in misbranded articles, and when we have accomplished that we have accomplished a great deal. If that is all we can succeed in getting through Congress at once, would it not be best to take that? If we can not get the bill we want through Congress, would it not be better to get some bill through? If we cannot get what we want, let us take what we can get now; get that established—get a pure-food law on the statute books—and we can afterwards build to it.

"The Chairman: I want to say to the gentlemen present here that the committee of the Senate having the bill in charge desires to get through Congress a law which will contain as much of the house bill 3109 as we can get through the upper house. We will do the best we can to get as much through as we can. If there are provisions in it which would jeopardize its interests in the Senate, then they had better be eliminated, and let us get as nearly a perfect bill as we can. As I have suggested, I think the consensus of opinion of the members of the committee was that we should have a bureau to consider food products, something as has been suggested here by Mr. Hamilton; but there seems to be considerable opposition to this at this present stage, and the committee thought best to select such portions of the pure food bill which has been before Congress for some years as would insure

its passage in the Senate in case we can get time for its consideration this session. Then we have our foundation, and it could be added to or modified afterwards.

"Mr. Bailey: Mr. Chairman, I live in the extreme West and I came across the continent for the purpose of being in attendance at this hearing, which shows my interest in the matter. On my way here I stopped at Kansas City to attend the convention of the National Live Stock Association. The Retail Dealers' Association also held its convention at Kansas City at the same time. The question of a national food bill was taken up by both associations and indorsed by both. I know the National Live Stock Association heartily indorsed the pure-food bill and indorsed the bill prepared by the Association of Dairy and Food Commissioners, which shows that the whole country is in favor of a national pure food bill.

"The only thing, Mr. Chairman, I wish is to get just as nearly what we want as we possibly can, and I presume we have to be satisfied with that at the present time.

"The Chairman: Those are the right sentiments.

"Dr. Wiley, I believe you were about to make some remarks.

"Dr. Wiley: Mr. Chairman, I have been very glad to be present here, to have met the dairy and food commissioners, and to have received a good deal of instruction from them in regard to the executive methods and administrative features in the various states, and I have nothing to say in regard to that matter just now.

"I am here as the chairman of the committee on legislation of the pure-food congress—I acted in that capacity—by which this bill was originally drafted, almost in the shape in which it passed the House. That congress represented practically all the interests of this country concerned in this matter—the manufacturer, the dealer, the jobber, the wholesale dealer, the retail dealer, the consumer, the officers in charge of the work. It represented also various boards of health, commercial bodies, state boards of agriculture, and the various states were represented by delegates appointed by their governors, so it must be considered that it was about as representative a body of interested people as could well be brought together. The difficulties which the chairman has mentioned were, of course, encountered in this convention, and this bill was a compromise of all the various interests there represented. In fact, at the final vote, as I remember it, there was only a contest on one feature of its administration—whether it should be confined to the Secretary of Agriculture as such, or whether to some bureau under his administration as such. In regard to that difference of opinion it is not necessary to say anything. Everyone is entitled to his honest

opinion in this respect, as to what is the best method and should only look at it from that point of view.

"I have had some conference with the people associated with me, both in the pure-food congress and the agricultural chemist, and what I say now I can say for them as well as for myself and in my capacity as chairman, and that is, that we shall work for this bill with all our power, in the shape in which the committee in the Senate finally agrees is best, no matter what that may be. Mr. Chairman, if you adopt the substitute of the pure food commisisoners, our efforts shall be put forth with all our strength to pass that bill; if you adopt any feature which they have presented here, we will work for that; if you attempt to pass the bill as it now stands, we shall work for that. I can speak for both bodies in this respect, so that we are here to secure the legislation and not to antagonize anybody, but to work with everybody for this measure. The bill which these gentlemen advocate is so near the other bill I am sure there can be no very great difference of opinion. I would not hesitate a moment—not the turning over of a penny—in regard to the administrative features. Personally, I think the Secretary of Agriculture can be trusted to enforce this bill in the proper manner, especially as he would have the assistance of the Attorney-General of the United States, through the district attorneys, which is the only way a national law can be enforced in the courts. There is no provision, I believe, under which a separate officer could bring suit in his own name. He must apply, as the Secretary of Agriculture would be obliged to apply, to the Attorney-General.

"I think I am not violating any confidence when I say I have been endeavoring to arrange a meeting between the Secretary of Agriculture and the gentlemen here. He has been sick and not able to meet them. However, I have seen him, and he came down to his office this morning, although he is not feeling well, hoping to be in time to meet you gentlemen before you came here. Upon his arrival I immediately telephoned to your hotel, but found that you had left the house. He says he wants to meet you and will wait in his office until he can see you, so when you adjourn here he expects you to call on him at his office.

"The Secretary of Agriculture is earnestly in favor of any measure that will secure this legislation. He says he is perfectly willing a new bureau shall be established, if that is the wish of Congress. He does object, however, to a bureau entirely independent of him, but a bureau of the ordinary type in the department he will not object to, I am sure.

"He says, 'I feel that to try to introduce this important modification at the present time will delay action.' This is the only fear he has. He

is in entire sympathy with the gentlemen here in the desire to get some legislation; he is entirely in sympathy with your committee, Mr. Chairman, in that respect, and so it seems to me that practically all interests are now united.

"I am glad to get this report from this gentleman of the conventions in Kansas City; in fact, I heard from one yesterday, that this action had been taken. The National Retail Dealers' and Live Stock Association both, I believe, have indorsed a measure—some measure—and so far as I can discover, Mr. Chairman, there is no organized opposition to this bill anywhere. Different associations may have their own views in regard to the character of the bill, but in regard to the necessity of the legislation I think there is no difference of opinion anywhere. That is the reason I came prepared to say we will be glad to join your committee in whatever your wisdom decides is best to secure this legislation, no matter what it is, and I think, Mr. Chairman, having said that, our position is perfectly plain.

Senator McCumber said again to the committee:

"The Chairman: I desire to state to this committee again that it is the earnest desire of the Committee on Manufactures of the Senate to secure the enactment of a pure food law, and as nearly a perfect law as they possibly can—one that will conform to the consensus of the opinion of all of the dealers in the United States and persons interested in interstate commerce. The committee can hardly expect to secure general consent to a bill which, in all particulars, would be just as they would draft it themselves, but in their earnest and honest desire to secure some character of legislation they are compelled, here and there, to defer their ideas to the ideas of other persons, believing that if we can once get a pure food bill nationalized, we will have then something to build upon; and contrary to the opinion expressed by one of the witnesses here, the committee itself would not antagonize any bill having the proper object of securing pure food for the country, although it might not conform entirely to their ideas. So, whatever we recommend will be with the desire of securing legislation as soon as possible, and securing what we can secure at this session of Congress, if possible. If we cannot get all that is contained in the Hepburn bill or is contained in the bill that has been recommended by the committee, then we will get as nearly that as we possibly can, with the hope of being able to add to it in the future. Any one of the bills presented almost is better than nothing; would be far better than no legislation, in the opinion of this committee, and in that we evidently disagree with Mr. Hamilton."

This represents the condition of national pure food legislation. The proposed bills will have to be reintroduced next winter and go back to the committee for consideration.

In the consideration of these bills the committees have already expressed the sentiment of Congress, that no new machinery will be provided until it is demonstrated that the Department of Agriculture needs new machinery in the form of a new bureau to take charge of the work. What we need now are the fundamental principles of a national food and drug law upon which we can build a national pure food bureau. After our conference with the chairman of the Senate Committee the executive committee called on Secretary Wilson, and he told us that if the law was placed in his hands to be enforced, that it would be enforced. He also told us that if the legislation was had authorizing the work to be done, that it would be an easy matter to create a new bureau for the work when it was necessary.

Gentlemen of the Convention, the nation needs a federal control over the food industries that do an interstate commerce distribution of food products. The Commissioners need it as the only means to unify our work in the states. The South, the great dumping ground for every adulteration and fraud that the brain of man can conceive of, has no enforced food laws and receives the foods that are run out of the strict markets where food legislation has been perfected and is enforced. This law would at least cleanse its markets from the goods manufactured outside of the states where they are sold. I have noted instance after instance, where baking powder, labeled and sold at the price of a higher price acid salts; where baking powder containing soapstone; where extracts with little or no flavor; where acid vinegar, colored imitation of fruit products, glucose and many other articles, are denied a sale in our border state Kentucky, and are shipped on into Georgia, Mississippi, Tennessee and Alabama, labeled "pure," "best quality," "perfectly wholesome," and "guaranteed not adulterated," or branded with the most popular name that can be selected from the standard food products. We need this law to encourage and protect the production of the best food products, the best methods in their preservation and honest representations in their sale.

Let this association go before the committees of the House and Senate next winter and ask for a national food law. Whatever bill is reported by the committees, and the gentlemen who have had this matter at heart during session after session of Congress will report the very best bill they can pass, let this association support and ask Congress to enact into a law.

PRESIDENT BAILEY: The question is open for discussion, if anyone would like to take up this matter. It is one of the most interesting subjects and we do not want to pass it without giving everybody a chance to be heard.

DR. FREAR: I had not expected to ask the privilege of the Association to take your time in the discussion of this subject. I have occu-

pled for some time past the responsible position of acting chairman of the Executive Committee of the National Pure Food and Drug Congress. After its deliberations for a number of years the bills known successively as the Brosius and Hepburn bills were formulated. They were formulated, I may frankly say, not as the view of a single individual, but as the result of the careful deliberations and coming together of a large number of interests. It is not my wish at all to discuss the merits of that bill this afternoon. There are some points upon which it has been criticised, but I take it that most of them are points with the details of which you are all familiar and with respect to which you are doubtless as fully competent as I am to form a clear and satisfactory judgment.

There is but one question to which I would like to address my words, and that is a point about which I think there has been a slight misapprehension. It is a point which I am sure is due to by oversight to an error in quotation. I have heard it said by some who criticised that particular clause of the so-called Hepburn and Brosius bill, intended to protect the innocent retailer, that the wording of that clause was inadequate to secure the point desired without the entire throwing open of the whole country to adulteration which could not be stopped under the provisions of that law. The sole point to which I wish to specifically call attention is this: that it is not upon the presentation of a certificate such as has been described, but upon the proof of such a certificate. That proof, in the minds of those who drafted that phrase—and I was present when it was drafted—was expected to be such kind of proof or evidence as is necessary to establish any fact before a court of law. The mere presentation of a certificate, in other words, is not *prima facie* to be accepted as the evidence under which the retailer is to be freed from liability because of the adulteration or misbranding of the goods found in his possession.

There was one other point which possibly has failed to be taken into consideration fully, and that is, that the goods so found adulterated or misbranded, under the terms of that law, whether wisely or not I do not now propose to discuss, are not the goods which have already been mixed in with this stock; that is to say, not goods which are exposed by the opening of original packages, but are original package goods.

I thank you for the privilege of calling attention to that one point.

MR. ADAMS: I am glad the gentleman made the statement he did and I am quite sure that possibly he has in mind the Brosius bill or some other of the various bills which have appeared

containing the substance of that bill, which may have had some such intention as he indicates in the section referred to. I attended a meeting of the Pure Food Congress in Washington several years ago. Mr. Barrett, of the Grocery World, a very able and competent gentleman, was there representing the interests of the retailers, and he declared it to be, as others have declared it to be, the purpose of the interests that he represented to put a clause into that bill which would make it impossible for the federal government to get at the retailers and punish them provided they had in their possession a certificate of the genuineness of their goods. Now then, as I read this law, all that is required of the retailer who is found with that certificate in his possession is to prove that he got it from the manufacturer or the man from whom he buys. If that is not true, there is no earthly object in having it there at all. It is put in there to relieve the retailer from prosecution and if he has got to set up in court and maintain the correctness and truthfulness, not only of the fact that he has received the guarantee, but if he has got to prove the truthfulness of the guarantee itself, what under heavens is it in there for? I would like to have someone tell me. Mr. Barrett and these other gentlemen have told me it is to relieve the innocent retailer from prosecution. Now then, if it does not relieve them, what is it in there for, and why not wipe it out?

MR. FREAR: Mr. Chairman, I would like to talk for a moment on the point which has been raised. There were a number of intentions which came to nought, or which were modified—a great many intentions. Of course in reaching the final phraseology of the proposed act, in this particular instance, the precaution was taken to modify the terms so that proof should be required, and not a mere presentation of a certificate.

MR. ADAMS: Proof of what? That the retailer obtained the certificate from a bona fide manufacturer, or proof that the statements of the certificate were correct as a matter of fact?

MR. FREAR: Not proof that the statements of the certificate were correct as a matter of fact, but except as to those points, that the certificate was obtained from the manufacturer who made the goods that he was a bona fide manufacturer or dealer and that he resided within the United States, and so came within the purview of the officials of the United States Government, and that the particular guarantee referred to the particular goods on sale, and that these goods, the cause of the prosecution, were obtained from this manufacturer, so that if innocent, the penalties of the violation of the law should be visited, not upon the innocent retailer, whom no one certainly desires to punish, but upon the man who was guilty.

MR. SCOVELL: Without going into particulars, I will admit that if that section is not right we ought to have it stricken out, and I don't know but what Mr. Adams' statement may throw it out. In Kentucky we have that clause in, and the simple reason for having it is so that the retailer shall have evidence to convict the jobber or the manufacturer. If he has that evidence in his certificate then we let him off and the evidence is used against the other man.

Now, Mr. Adams spoke about the inter-state commerce feature. It may be possible after the article leaves the manufacturer and goes to the retailer they have no further control over it. If that is the case, the section ought to be left out. I do not know enough about it to have any decided opinion. I know it is a very important clause in our state law; whether it is proper in a national law I leave to others. I think the whole difference of opinion lies in the administration of the law and I hope we will be able to compromise and get the principles of the law through, and not any particular law.

MR. CRITCHFIELD: I would like to ask the gentleman from Kentucky what you do in case you find the manufacturer is a citizen of another state?

MR. SCOVELL: In our state law it says "Providing he resides in the state."

MR. CRITCHFIELD: That is all right where he lives within the state, but if he is over in a another state what would you do?

MR. SCOVELL: We notify the retailers to buy of the jobbers within the state, that is, of the "runner" and the manufacturer is responsible for the "runner." We simply advise them to take the certificate from the man they buy from, having the name of the runner and so forth on it, so that we can catch them.

MR. JONES: I am satisfied our Chicago dealers would be for that in Illinois. I don't know how it would work in the other states.

MR. DINGMAN: I would like to ask a question, and that is how he would proceed to protect the consumer. The consumer, I take it, is the person whom the law strives to protect, and in protecting the consumer if we let the retailer throw the burden upon the shoulders of the jobber and the jobber chances to live in another state, in the meantime the consumer has purchased some of the goods which have been pronounced unwholesome and unfit for use. The consumer is certainly the one that has to suffer. Now it does strike me that the real, practical way of arriving at this is, for the consumer to be protected, and if the retailer, who certainly should be business man enough to protect himself by a guarantee from the jobber or manufacturer, fails to do so, it certainly behooves him to throw that safeguard around himself, and in case he fails to do this he certainly should be punished for it.

As a person who has the honor of being a member of the National Grocers' Association, in which this question has been discussed pro and con, I believe the consensus of opinion of the leading retail grocers of the United States is that we certainly should protect the consumer by strict laws, and the retailer failing to do this, failing to protect himself by a guarantee which can be perhaps carried into a civil action against the jobber or manufacturer, certainly is the one who should suffer the odium, even though he may to a great extent be innocent of any fraudulent or intentional violation of the law.

PRESIDENT BAILEY: That is the view we have taken in our courts. Of course, we are a long ways from the manufacturer. A great many goods come out there which are shipped from Kentucky and other states in the East. We have looked upon as wholly impracticable and have never considered the question of having a certificate from the manufacturer that the goods were all right. I find that Mr. McDonald of Washington was down for a discussion of this subject, but I will ask Mr. Roscoe C. Mauck to take his place.

MR. MAUCK: Mr. Chairman, and gentlemen of the convention, Mr. Bonham, of Ohio, was selected by your Executive Committee to discuss this question. How far you may be missing Mr. Bonham in physical and other qualities I may add that he is a tall, slim, black-whiskered, gray-headed bald man. I wish that he were here to discuss this question before you. I have been associated with the dairy and food department of the state of Ohio for about five months only, yet the conclusion I have come to in regard to the National Pure Food Law has been so amply sustained by the sound arguments and the eloquence of the gentlemen who preceded me that I think it is not dangerous for even me, with my brief experience, to stand at the bar of the Senate of the State of Minnesota and advise the Congress of the United States. That feeling is amplified, supplemented, corroborated and strengthened by what little experienced I have had. It is well enough for you to sit in your offices and determine what the law is and what ought to be done, but it is upon us who have to get out and wrestle with the justices of the peace, that this question appeals with some practical force. You learn that down in the southeast corner of Ohio where the sun only shines in one particular spot about thirty-five minutes a day that some man is being imposed upon in the stuff that he is buying at the corner grocery, and you go down to protect him. You discover that this grocer has bought a can of mustard or a bottle of maple syrup from a jobber over in West Virginia and this jobber bought it from a bigger jobber up

in Chicago, and the Chicago man bought it from some fellow who pretended to have made it up in Vermont, yet you go down and take this little grocer, who does not keep any books and who can scarcely count silver money, and lock him up in jail because he has sold something without knowing what it was and could not know and could not have the means of knowing, I say when you run up against a proposition of that kind, with whatever experience you have had, you will be very likely to believe in a National Pure Food Law, and you will believe also in getting a return ticket when you go into a town of that kind. And that sentiment, gentlemen, however pessimistic it may seem at the time, when you are running, is right, because it is founded upon the American notion of fair play. The American idea of a criminal is one that has been guilty of some moral delinquency. When you go into a community and attempt to lock a man up or fine him and brand him as a malefactor because he has done something that you might have done or because he did not know more than you knew, you are running against one of the deepest and strongest elements of the American nation, and so long as you must do that you and I must be content with the positions that we occupy in some communities of not being quite as good as other people, and for this reason, Mr. Chairman, it may be unnecessary for me to remark that I am in favor of a National Pure Food Law. I am in favor of one that will enable us to prosecute the real malefactor, the one that is doing the dirty work; so far as the details are concerned I know nothing of them and am not interested. If the Department of Agriculture wants the work, let them have it. If the Department of Commerce wants it, let them have it, but for God's sake, rather give it to the Department of the Navy than not get it at all.

Now, so far as the question raised by Mr. Adams is concerned, I want to say it seems to me that he is right. We cannot afford to let the retailer go because occasionally you are going to find a retailer who knows his business and you know he knows his business and he is the fellow then that you want. But it seems to me, and I have not given this matter the study that Mr. Adams has, it seems to me that that question is not one of great practical importance. Certainly the power given to Congress, so far as the results are concerned, is only the power to regulate interstate commerce, and when it gets to the retailer in ninety-nine cases out of a hundred the original package has been broken. If the original package has not been broken it seems to me the case is taken out from the law as laid down in the Iowa case and gives the state full power and scope to handle it.

MR. ADAMS: Of course I may be entirely wrong in thinking that that very clause which has been referred to in the remarks of the gentleman and also of my friend over here, is one of the vital propositions of the National Pure Food Law. I believe it is. We might just as well thrash it out on the floor of this Association now as at any time. If we do that, well and good. I hope, however, I shall never become so old in intellect that I shall acquire a pride of opinion which will prevent me from accepting the truth whenever the truth is presented. Now the reason why that clause, in my judgment, is a dangerous clause in a National Pure Food Law is this, if my understanding of it is correct; a dealer arrested by a federal officer and brought into court, upon proving in that court that he has a certificate of the genuineness of his goods from some manufacturer, jobber or other person, is relieved from punishment. What does that mean? It means some man will go in the City of Chicago, put up goods in the East and ship them West to all of the commercial states of this country, and any man who manufactures adulterated goods can manufacture adulterated certificates a great deal easier and cheaper than he can the goods themselves and any dishonest man can get them, and in that manner I say you vitiate and destroy the practical effect and force of any National Pure Food Law that may be passed.

MR. MAUCK: I agree with Mr. Adams on the advisability of leaving that clause out of the bill, but if that is necessary in order to secure the passage of the bill, then I am in favor of the bill anyhow, because I do not see upon what proposition of law the federal government can undertake to say that a police regulation of the state of Ohio regulating the sale of a given article which has not come into Ohio and which is not then a part of the original package which came within the interstate commerce act—how the federal government can pretend to interfere with that portion of the state law, because I think it is wholly effective so far as it applies to anything except goods in the original package.

MR. ADAMS: Do you get a considerable amount of goods in original packages?

MR. MAUCK: Not very much; whisky in the barrel and such things as that.

MR. ALLEN: Our state food laws have eliminated from the statute the element of intent to make them effective. I think any of the Commissioners or any of the men who have done any of the legal work in the courts will tell you that the difficulty of enforcing a food law consists in proving the intent. I have always been an advocate of this idea of protection to the retailer, but when you come to think of it, the retailer lives in the state and the federal officers

will not have this control over him, only so far as it amounts to interstate commerce business, and I believe when a man is big enough to conduct an interstate commerce business he should be responsible enough to stand the consequences, for upon that provision alone the public have to depend for their health. I believe, having eliminated the element of intent, if we supplement it by embracing this feature, I believe it will weaken the bill more than it will add to it, and that I believe is one of the principal differences, but I think it is one that we can come together on.

MR. FREAR: I am on the committee of the National Pure Food and Drug Congress, and if the question of a pure food bill or no pure food bill depends upon that we will vote by all means to rule that clause out.

MR. WILEY: Mr. President, and ladies and gentlemen: I do not propose to beg the question as to a pure food law further than with your permission to explain the conditions of the law already in force and how it is proposed to carry them into effect by a subsequent act. I think you will be interested in that. There is one law which Congress charges upon the Secretary of Agriculture to enforce, another is enforced by common consent of all the parties, but in both cases the actual enforcement of the law is through the Department of Justice. In passing a national law, we must do it through the Department of Justice. There are two pure food laws which the Secretary of Agriculture is now taking the initiative in enforcing; one is the so-called Sherman Act, which prevents the misbranding of food products when they get out of the state or territory in which they are made. In the prosecution of a case the initiative would come from the Department of Agriculture, while the enforcement is through the Department of Justice. The other law is the one which went into effect on the first of July and you will be interested in knowing what provisions have been made to enforce this law by the Secretary of Agriculture. I will not read the law, but I will tell you what it is; it is a law which relates to products from foreign countries. The provisions of the law are as follows: In the first place, no food product can come into the United States now which is forbidden or restricted in its sale in the country in which it is made or from which it is imported. Thus we have no national pure food law, but we have an international one in force. Congress has applied the pure food laws of other countries in the importation of their food products into this country. What is not good enough for a foreigner to eat is not good enough for us. Whenever such a food product comes into this country, or there is an attempt made to bring it in, we have this provision in the

State Department, and it would be impossible to enforce this law without the aid of the State Department. The State Department has instructed its consuls to take a special invoice of every food product which is offered for shipment to the United States; it is to be described in full and marked, and each shipper is required to make a declaration on his honor, first, to the effect that the food product offered for shipment to the United States does not contravene in any respect the law of the country where it is made or from which it is exported; in the second place, that it does not contain any added coloring matter or preservative other than salt, sugar, vinegar or wood smoke, those being well known preservatives which reveal themselves readily and which are permitted in foods imported; in the third place, that it does not bear any false label in any particular in regard to its place of origin or in regard to the materials of which it is composed. And then further, the State Department has instructed its consuls to forward this by fastest mail, directed to the Department of Agriculture, so that we know before it arrives in this country just what is coming and what the shipper says it is, under signature of the consul. Then the Department of Agriculture has an absolute knowledge of every food product, including drinks and condiments, which is offered for shipment to the United States and we have this knowledge before the shipment reaches our ports so that we may know what to look for. Here is the form of declaration that the shipper makes:

"I, the undersigned, do solemnly and truly declare that I am the of the merchandise herein mentioned and described, and that it consists of food products which contain no added substances injurious to health. These food products were grown in and manufactured in by during the year, and are exported from and consigned to The products bear no false labels or marks, contain some (no) added coloring matter or preservative and are not of a character to cause prohibition or restriction in sale in the country where made or from which exported."

So that we have a complete description of every food product which comes in in this way. Thus the department will be enabled to help you, at least in some respects, in barring out foreign products. Now to do this we collaborate with the Treasury Department. The Treasury Department has issued a circular to collectors of customs, because all these things have to come through the custom-house, in which they are authorized and directed, whenever requested to do so by the Secretary of the Treasury, to refuse entry to certain food products

which the Secretary of the Treasury may request to be held up for examination, and the officials of the Treasury Department are to take samples, the method of which is fully described, and they are to be presented as evidence, so that it is all open and above board. These samples are to be sealed with the seal of the customs officer and sent by fast express to Washington. There they are given an examination and if they are found to contravene the laws the Secretary of Agriculture notifies the Secretary of the Treasury to refuse entry. The owner is then required to trans-ship them at once, and failing so to do, the Secretary of the Treasury orders them to be destroyed. That is the way we propose to protect the people of this country against misbranded or adulterated goods from foreign countries, or goods which are not deemed fit to eat in the countries from which they come. Everyone who has expressed any opinion on this law agrees that it is absolutely just and fair, and the result will be that this country will no longer be a dumping ground, as it has been from time immemorial, for food products which other countries deemed unfit for use, and the office of this law is to protect the people against such products. Now this law has been fully understood and discussed in the cabinet meetings and the orders have been issued from the highest authorities in this country that it shall be executed so far as it is possible to do so, and since then and in the last four years we have been getting very much improved food products. In order to determine which are deleterious to health, which are adulterated and which are sold to us contrary to the laws of the country in which they are made or from which they are exported, we have certified copies of the laws of all these countries, so we know what the laws are, and we have the decisions of the courts on those laws; every decision of the courts on this subject is at once reported to the Secretary of Agriculture. Every opinion of a judge on any law affecting food products is at once forwarded to the State Department, and the State Department transmits it to us for our information. We have examined these goods for four or five years and any which are suspicious in character we are not supposed to pass, but we do not hold up food products against which there is no suspicion, as Mr. Adams has said. We inform ourselves as to the places where fraud is practiced in the adulteration of food, although there are a great many that are not adulterated. We know where teas come from that are adulterated; we know where wines come from that are adulterated; we know even where sausages come from that are adulterated. There is one country in this world which prohibits absolutely the entry into its ports of any sausage of any kind and when

any sausages comes here from that country it will find that we take the same stand and will never allow it to come in, so I advise you to lay in a full supply of imported sausages until this law is repealed. A country that will not admit our sausages cannot send its sausages to us. We know where they get these olive oils. We know where the labels are manufactured. We know where that olive oil is made. It grows in the sunny fields of the south. It is a good oil; it is a wholesome oil; I have nothing to say against it, but it never saw Italy or France, and the printing press that printed the label never saw Italy or Germany.

We have an opinion from the Attorney-General in regard to the law which applies to the misbranding of food products, so that the man in New York who has been in the habit of importing a little olive oil and mixing it with a good deal of cotton seed oil and selling it as pure olive oil cannot continue in that business. That is a trading stamp that can no longer be used in this country. He has got to be honest with his customers. We know what he buys and we know what he sells, and if he does not sell what he buys there is something wrong. The same thing is true of wines. French wines we know are very much like American wines, although they are not half as good. We have had our special agent at Bordeaux investigating this subject and he found there were great quantities of wine being imported from this country, and in one place they had to tear down the walls of an old French cellar to get these casks in. Now those wines come back as French wines, but they cannot come in here. They have got to be French wines to come into this country. In another place we found the names of firms, oil makers in Italy and France, such and such a firm in such and such a town, and we investigated and found no such firm in existence. These beautiful names that you see on your olive oils are mostly fictitious firms; they don't exist at all. These are some of the evils which the Department of Agriculture is seeking to correct in the interest of honesty of trade between nations, and we hope of honesty of trade between states.

PRESIDENT BAILEY: As the time is passing I presume we shall have to pass this subject. It is one of importance and I do not think we have had it presented before in the same light. It is the consensus of opinion that we need a national pure food law and as to what it will be will be left to the people.

MR. EMERY: Mr. Chairman, there is one feature of the discussion here in regard to a national food law with which I do not find myself in harmony. It is represented that when a national food law shall come it must be the result possibly of some compromise be-

tween the various interests. Now I submit that while that may be true, when the subject is before this Association for discussion we ought to be intellectually honest and we ought not to speak out of our fears of what somebody else will think, but we ought to express our convictions on this subject and it may have its weight in this consensus of opinion when the law shall be enacted.

PRESIDENT BAILEY: I was about to say that Mr. Adams will need all the support he can get.

MR. ADAMS: Mr. President, I believe I ought to take a little shy myself at this business of what I can do in Congress. I haven't any idea I am going down to Congress to revolutionize the United States. It will be my first term. I don't expect to wipe the trusts off the earth or make everybody honest in the United States. I am thoroughly conscious of the fact that I am the greenest thing on earth, and the most useless thing on earth is a member of Congress during his first session. However exalted and mistaken an opinion the members of this Association may have of my talent, I haven't any at all and I simply expect to go down there and plug in a modest and an occasionally sassy way for the things that we believe in.

PRESIDENT BAILEY: You will have both the Senators and the Congressmen from Oregon to plug it up with you. You will find them right with you on that proposition.

We will now pass this subject and take up the subject of Dairying. The subject will be opened by the Hon. H. R. Wright, Dairy Commissioner of Iowa.

ADDRESS: "THE DAIRY INDUSTRY OF THE COUNTRY."

BY H. R. WRIGHT, DAIRY COMMISSIONER OF IOWA.

I was informed this was a convention of dairy and food commissioners so we agreed we should have something on the subject of the dairy industry, and I agreed with myself that he should present the paper. He went on to Chicago with the executive committee and I didn't, hence I am here and he is not, much to my sorrow and perhaps to yours. I have handled the subject from the standpoint of the dairy industry and I have also included a good many figures, not all of which I shall read.

The subject of the dairy industry of the country naturally suggests that I should give some history of the development and growth of dairying in the United States. I have no doubt it suggests to some of your minds a possible presentation of an array of ecstatic statistics, and I may also say that it probably presents to some of the others of you the possible presentation of some figures that might not be so enthusiastic. Most everybody that writes or talks about the dairy business

takes an extreme view, either that the business is the *only* one and the best one and the most profitable one for the farmer, or that it is a matter of little moment and, indeed, for a great number of farmers, a money-losing, instead of a money-making occupation. The optimist will give you the figures for the aggregate of the dairy products of the country and will astound you by their magnitude. The pessimist, on the other hand, will show that the cost of keeping the individual cow is too often greater than her gross product. I, myself, belong to the optimist class, and I believe, not only that the dairy industry of the country is a very large affair, but I believe also that, notwithstanding the apparent high cost of production, it is one of the most profitable industries for the individual, for the section in which it is carried on, and for the country at large. There are certain businesses which, in the nature of things, require enormous capital, a complex and centrally governed body of men, all working to the same end, and a high order of business ability to manage affairs of so great magnitude. There are other industries of equal importance, both in the aggregate business done and in value to the people, which, in the nature of things, cannot be concentrated, cannot be controlled by capital, or by any one master mind, which, by their nature, are the outgrowth, directly and indirectly, of the work of an extraordinarily large number of people, each working independent of the others, yet all working along the same line and to the same end, and urged thereto by their special surroundings. We are a little inclined to take off our hats to the great industrial organizers of the country because they are handling businesses of so great magnitude. On the other hand, we are a little inclined to be more or less contemptuous of the individual who is doing his small part in an industry which is great only because of the great number of independent proprietors. Because the farmer, with his few old cows, is the visible and immediate representative of the dairy business, we allow ourselves to imagine that the dairy business is a very little thing, to be neglected when we take account of the great factors in the business world. This representative of the dairy industry stands for the largest single line of agriculture, save one. His product, with a value of five hundred and ninety million dollars, is greater than the annual value of hogs sold in the United States (\$500,000,000); it is greater than the value of all hay and forage (\$484,256,846); it is greater than the value of all the neat cattle slaughtered (\$419,455,200); it is greater than the value of all the wheat produced (\$369,945,320); it is greater than the value of all the eggs and poultry (\$281,178,035); and it has a value almost twice as much as the value of the oats (\$217,098,584),

sheep (\$50,000,000), barley (\$41,631,762), rye (\$12,290,540), rice (\$8,000,000), and buckwheat (\$5,747,853) of the United States. It far surpasses the value of cotton (\$330,000,000), and is second only to the value of corn produced (\$828,258,326). And so the purveyor of ecstatic statistics may be somewhat excused if he enthuses a little over the aggregate value of the dairy products of the United States.

In the early colonial period both butter and cheese were exported in small quantities, but, as a matter of fact, until the middle of the nineteenth century, dairying was a specialty in a very few sections. They made cheese in Herkimer County, New York, as early as 1810, but it was as late as 1860, at least, before any butter factories had been established, and it was not until about 1870 or 1875 that the creamery business became of sufficient magnitude to attract attention. It is interesting to note that the herd books of the various dairy breeds were established near the last half of the century, and nearly all of them in the last quarter of the century.

	First introduced into America.	Herd books established in America.
Ayrshires	1822	1875
Brown Swiss	1869	1880
Devons	1623, 1800, 1817	1851
Dutch Belted	1838	1890
Guernseys	1850	1878
Holstein-Friesians ..	1850	1872
Jerseys	1840	1868

Shorthorns first introduced into America, 1783 to 1800; Shorthorns' herd book established in England, 1822; established in United States, 1842.

With the exception of the Shorthorns, the above table shows that there was little or no interest in breeding of dairy cattle until about 1875 or 1880. There was a great Shorthorn boom in the early seventies, when individuals sold at \$40,000, and \$1,000 was a common price. The State Dairy Associations and kindred organizations of dairymen are also of recent date. The number of states having dairy associations is 29. These were organized as follows:

Vermont	1870
Wisconsin	1872
Illinois	1874
Iowa	1876
Minnesota	1877
New York	1877

The others have been organized since 1880. Some of these states have more than one organization. All these things tend to show that the dairy industry is a thing that has grown up within the last thirty or forty years, within the lifetime of most of us here present. This is true, not only of the factory method of production in dairy products, but is also true of the production

in dairy products on the farm in sufficient quantities to be of commercial importance.

The factory product of butter and cheese and condensed milk increased 400 per cent from 1880 to 1900, and the capital invested increased 300 per cent in the same time, as shown by the following table:

Product of Cheese, Butter and Condensed Milk Factories.

Capital in-vested	\$ 36,508,015	\$16,624,163	\$ 9,604,803
Value of products ..	131,199,277	62,686,043	25,742,510
Strictly speaking, there is a large number of products of the dairy, but of these butter, cheese, condensed milk and milk and cream consumed as such, make up practically all the value of the dairy products of the United States.			
Value of total butter made, at 18 cents	\$268,685,845		
Value of total cheese, at 9 cents.....	26,910,614		
Value of total condensed milk	11,888,792		
Value of total cream sold	4,435,444		
Value of total sundry factory products	1,261,359		
Value of total milk consumed (estimated)	277,645,100		
Aggregate value dairy products of United States	\$590,827,154		
The number of cows kept for milk in the United States is 18,112,707.			
The above estimate of milk consumed seems a large sum of money, but then there are 80,000,000 of us and this allows but \$3.47 worth apiece, or at the standard price of five cents a quart, allows 70 quarts per capita per annum, or about one-third of a pint a day. This table makes no account of skim milk from the creameries. At ten cents per hundred pounds, the skim milk has a value equal to one-tenth the value of the butter, which would add another \$25,000,000 to this enormous amount of \$590,000,000.			
While cheese-making is almost altogether given over to the factories, it appears that only 30 per cent of the butter is factory made.			
Butter, made on farms, pounds.....	1,071,745,127		
Butter, made in factory creameries, pounds	420,126,546		
Butter, made in urban dairy establishments, pounds	827,470		
Total pounds of butter made	1,492,699,143		
Cheese, made on farms, pounds	16,372,330		
Cheese, made in factories, pounds	281,972,324		
Cheese, made in urban dairy establishments, pounds	662,164		
Total pounds of cheese made.....	299,006,818		
Condensed milk produced, pounds ...	186,921,787		
The average per capita consumption of butter is 19 pounds.			

The average per capita consumption of condensed milk is 2.3 pounds.

The average per capita consumption of cheese is 3.3 pounds.

While it is true that but a relatively small part of the butter is produced in butter factories, yet the introduction of the creamery has made dairying a business of magnitude and commercial importance, and, indeed, the introduction of the creamery made the west the center of dairying in place of the east. We Iowa people are fond of relating the story of the first creamery in Iowa, possibly the first creamery west of the Mississippi. In a sheltered nook a few miles east of Manchester, almost thirty years ago, there was erected a small, cheap building. Underneath and through it ran the waters of a clear, cold brook, properly called Spring Branch. Outside the building was a circular track where an old blind horse went round and round at his tiresome task of turning some of the machinery contained in the first creamery in Iowa. None of us would have suspected that this was a creamery; none of us would have considered the fact important if it had been told us. But this rude building and its still more primitive power, and its beautiful, ideal surroundings is the parent of the creamery system of the west. Twenty-seven years ago makes the date read 1876, centennial year. Western butter was the synonym of inferiority until the butter from this rude creamery was adjudged to be the best butter exhibited at the centennial exposition at Philadelphia. Every day for thirty years this same creamery, or to speak more strictly, those that have successively replaced the rude building, has made high-grade butter, has made the farmers of that vicinity richer. Not a mortgage has been foreclosed on a farm of a patron of this creamery, and a similar state of affairs exists among the patronage of every other successful western creamery, and to-day Iowa leads the country in the number of creameries and the amount of their product, as well as in the total amount of butter made and the amount of butter shipped out of the state. The United States census gives the following statistics in regard to creameries, cheese factories and condensed milk factories, and, speaking, generally, the figures show the relative importance of the states.

Butter and Cheese Factories in States Having More Than 100 Creameries.

	<i>Butter Factories.</i>	<i>Cheese Factories.</i>
United States ..	5,275a	3,299
Iowa	816	81
Wisconsin	728	1,227
Pennsylvania ...	603	124
New York	575b	1,151
Minnesota	538	47
Illinois	393b	51

Vermont	180	61
Ohio	147	221
Michigan	146	130
California	143	17
Kansas	133	30
South Dakota ...	122	14

Total products—Butter, 420,126,546; cheese, 281,972,324; condensed milk, 186,921,787.

(a) Add 38 condensed milk factories.

Add 47 cream for sale.

Add 583 two or more products.

Total, 9,242.

(b) New York and Illinois have nearly all the condensed milk factories.

The amount of dairying practiced in the United States may possibly be suggested by the number of dairy cattle. There are no census figures in the various breeds of cattle, but the estimates from the various herd books of pedigreed cattle will give some idea of the relative number of the various milk cows of the country.

Dairy cattle now in existence in the United States.

Pedigreed.

Shorthorns	140,000
Jerseys	90,000
Holsteins	60,000
Guernseys	11,000
Devons	10,000
Ayrshires	6,050
Brown Swiss	1,250
Polled Durhams	1,200
Dutch Belted	500

Red Polled, also, 19,000 in England and United States. Probably 5,000 in United States.

By the foregoing table it will easily be suggested that the number of special purpose milch cows in the country is relatively small, and that the dual purpose, or no purpose cows, are relatively large. I suppose that most all of us will agree that, speaking generally, this is not as it should be, and yet, notwithstanding these facts, the values of dairy products of fourteen states of the Union are more than \$10,000,000 each, annually, the state having the greatest revenue being New York, with an aggregate value of dairy products of \$55,474,155.

Total Value of Dairy Products.

New York	\$55,474,155
Pennsylvania	35,860,110
Illinois	29,638,619
Iowa	27,516,870
Wisconsin	26,779,721
Ohio	25,383,627
Michigan	16,903,087
Minnesota	16,623,560
Indiana	15,739,594
Texas	15,510,978
Missouri	15,042,360
Massachusetts	12,885,744
California	12,128,471

Kansas

11,782,902

Kentucky

9,985,540

Vermont

9,321,389

Making \$8,000,000 worth of dairy products per annum: Tennessee, Nebraska, New Jersey, Maine.

Making \$7,000,000: Kentucky.

Making \$6,000,000: Alabama, Arkansas, Mississippi, North Carolina, Virginia.

Making less than \$6,000,000 worth: West Virginia, New Hampshire, South Dakota, Louisiana, Colorado, Oregon, South Carolina, Washington, North Dakota, Oklahoma, Rhode Island, Utah, Montana, Indian Territory, Idaho, Florida, Delaware, Arizona, New Mexico, Nevada, Wyoming, District of Columbia, Hawaii, Alaska.

Only seven of these divisions make less than a million dollars' worth of dairy products per annum.

One of the interesting and curious features of the creamery side of the dairy business is that in creamery operation there has been about the only successful instance of co-operation among farmers. Of course, the creamery business in itself is, in a greater or less sense, co-operative, since the product is universally bought and the price for which it is sold is determined after the product is made up and sold, and so the original producer is a sort of side partner with the operator of the plant, whether he will or no. But there is still a very large proportion of the factories that are actually owned and operated by the patrons of them, and the whole net proceeds are paid to the patrons and owners. Again, Iowa claims the credit for being the pioneer in this line. There is a curious story told about the way in which co-operation started in Iowa. The creamery business fell upon a period of hard times, about 1878, in Iowa, and some of the proprietors failed and their plants were sold at sheriff sale, and were bought for a small sum by a group of farmers in the hope that by so doing the plant might be perpetuated. They then followed the plan of leasing the plant to some enterprising fellow who would use it and agree to pay them a stipulated price for their milk for the summer. Naturally, this was a speculation in which a good many embarked who never got their money back, and so it came about at the town of Maynard that the farmers found themselves in this situation—a good creamery which they owned, plenty of milk and cream to run it, and no one to make any sort of an offer to lease it. Mr. Sam Shilling, now president of the Iowa State Dairy Association, and vice-president of the National Dairy Union, suggested that he be hired by the owners of the plant at a monthly salary to run the plant for the farmers and the net proceeds be divided pro rata among the farmers patronizing the same. And so co-operation began among Iowa creameries, and it is a fact that can

be established beyond a doubt that there has never been a real bona fide co-operative creamery in Iowa that has failed in business. No one ever lost a dollar by the failure of the real co-operative creameries in Iowa, and I think the same is true elsewhere. About one-third of our creameries are now co-operative, or approximately so, and the proportion is much larger in Minnesota, and of the 9,242 plants, creameries and cheese factories, mainly reported in the census bulletin, 1,813, or about 20 per cent, are co-operative plants.

Not only is the dairy business one of magnitude and importance to the country at large, but it is one that is adaptable to a wide variety of conditions, so much so that I presume there is no one product of the farm that can be produced profitably in so many parts of the country as butter, and to some extent the same is true of cheese. From Florida to Alaska, and from Maine to California, all produce dairy values varying from \$596 for Alaska to \$55,474,155 for New York state. Only the states and territories of Alaska, District of Columbia, Florida, Hawaii, Indian Territory, Louisiana, New Mexico, North and South Carolina lack creameries and cheese factories, and the other states have from one of each in Arizona to 2,018 in Wisconsin. I verily believe that a man can make a dairy pay, and pay well, in every state and territory of the Union, except in those arid regions where animal life cannot be supported at all. But while this may be true, speaking relatively, it is not true that all parts of the country are equally adapted to dairying, nor is it probable that dairying will ever be a large part of agriculture in certain sections of the United States. At first thought, it would seem that the mild winters, the profuse vegetation, and the abundant supply of legumes of the south would make that the ideal dairy section of the country. But the south has never been and probably will never be noted for its dairies. The glowing advertisements of the railroads having lands to sell in the south are fabrications of the excited and self-interested imagination of the immigration agents. It is perfectly well known that, except in the semi-arid sections of the southwestern states, the climate degenerates the stock taken there, so that it is impossible to breed a line of stock that will have the individuality and the vigor necessary in dairy stock. Look at the states that produce the values in dairy products. Every one of them that amounts to much is in the north. From Massachusetts, Rhode Island and Vermont westward, the dairy states are contiguous; New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Missouri, and probably the Dakotas, when they have developed a little more. On the other hand, the Gulf states and the south central states, the semi-arid states of the middle west

make little or no butter beyond their own needs, and most of them are buyers of both butter and cheese. This is also true of the Pacific Coast states, but only because of their newness. The man who goes south expecting to get rich dairying will find that this part of the country is better adapted to something else. The north, with its cold winters, with its invigorating climate, is the place that furnishes not only the conditions for the growing of thrifty stock of all kinds, and the production of milk, but is the place where the conditions of agricultural life in some sense force upon the farmers the laborious work of milk production and butter and cheese making. And while he finds it something of a necessity, he also finds it profitable, because suitable.

Butter and cheese are so closely akin in a commercial sense, and in a dairy sense, that one would naturally suppose they would be in proportionate quantities where either of them is made. Not so. One five states have more than 100 cheese factories each—Wisconsin, 1,227; New York, 1,151; Ohio, 221; Michigan, 130; Pennsylvania, 124. It makes me smile to claim sixth place for Iowa with 81 factories, for the fact is that we make little cheese in Iowa, and the annual product is less than a half million dollars. New York makes 127,000,000 pounds of cheese; Wisconsin, 78,000,000; Ohio, 18,000,000; Michigan, 10,000,000, and the other states still less amounts. In butter-making, the rank of the states is not at all what it is in cheese-making.

Iowa produces, pounds....	139,022,552
New York, pounds.....	115,408,376
Pennsylvania, pounds	111,358,246
Wisconsin, pounds.....	106,552,649
Illinois	86,548,762

New York and Wisconsin make most of our cheese, and also make great quantities of butter. New York and Illinois make about all the condensed milk. I suppose there is no good reason why cheese and condensed milk factories should not be established in any of the northern cities, if they were desired by the farmers in any locality.

The dairy business is a sort of sheet anchor for the farmer. He depends upon it in time of trouble and hard times. He knows that the product of his dairy is a sort of net profit to him, except for the added labor, and the man who is raising stock knows that he will not raise any less number of calves if he milks the cows and makes butter. He knows that he will raise a larger number of hogs than he otherwise could do. He knows that if he milks his cows and his neighbor does not milk his, that the neighbor will have just so much less money. The banker and money lender knows this as well, and in every dairy section of the country times are always better than in other not dairy sections. Money is easier to get, land values are higher, the people

are in general more prosperous and agricultural conditions are better. This is one of the reasons why Iowa, and the states immediately surrounding her, are the wealthiest agricultural states of the Union. The farm where dairying is carried on, the county, the state, the section where butter and cheese are made, are the most certainly successful and prosperous parts of the country. We have many crops, many products of the farm, but corn is king in America and the dairy cow is queen, and we are all their subjects, whether we will or no.

PRESIDENT BAILEY: The discussion of this subject will be opened by Henry E. Alvord, Chief of the Dairy Division of the United States Department of Agriculture.

MR. ALVORD: Mr. President, ladies and gentlemen: In discussing the dairy industry of the country it is necessary to consider it in the different branches, as has already been done by the gentleman who preceded me. There is probably no phase of dairying in the country to-day that is receiving such close study, or making such active progress and improvement, as that of market milk, if we may so call it, the supply of our cities and towns with more and better milk. This, of course, is felt chiefly in the more thickly settled portions of the country, where towns and cities themselves are growing fast, and the work that is being done in this branch of dairying is well worthy of commendation, and I am glad to know that in a good many states the state departments are giving it a share of their attention and assistance. Our condensed milk business is also growing rapidly. The production of condensed milk in various forms is increasing very fast and this commodity is being exported in increasing proportions over our dairy products. Our butter exports amount to nothing; our cheeses exports have been declining for years, but our condensed milk exports have been increasing and there has been evidence that there will be a steady increase in the manufacture of condensed milk in this country for export. This branch of dairying, therefore, ought to receive more attention than it does. My recollection is, without pretending to speak exactly on the subject, that there are but three states having laws governing the standard in the manufacture of condensed milk, and my judgment is that this business is very much demoralized so far as this commodity is concerned. All grades of milk that may be called milk are condensed, and the commercial idea seems to be to give the most attractive title to the poorest possible article that can be put on the market and exported. Good, square condensed milk as we have known it for twenty-five years is still known by that name, and if we find an article that is called "evaporated cream" or "condensed cream," we

can be certain it is made of skimmed milk and of poor quality at that, and we really need legislation on this subject. Here is a clear case of false branding, and it is certainly possible to regulate this so far as our exporting business is concerned and the future growth of the export trade. Certainly the reputation of this country for its dairy products and for its condensed milk products is sure to be injured unless we soon adopt a standard and hold to some rigid regulation for the marking of this class of products which go abroad.

As to butter, I prefer to treat of that more particularly, and it is only part of our butter interests at that. We have three divisions in the butter industry. The total annual production is placed at about fifteen hundred million pounds. One-third of this, roughly speaking, is made in our creameries and all goes to market, one-third is made on farms and consumed at or very near the place of manufacture, and one-third of it is dairy butter, which also goes to market, so that the market butter of the country is just about equal in quantity with the creamery production and dairy production. The creamery butter of course is that which fixes the large market so far as the price or value is concerned, because it is uniform in character and quality, whereas a very large share of the dairy butter that is produced is directly delivered to the consumers by the producers, or sold directly, and does not affect the general market to any extent.

Now, speaking of dairying, referring to the last speaker's remark as to some parts of the country, I want to pause a moment to remark that so far as butter is concerned there is no section of the country that is making as rapid strides to-day, as we all know, than the semi-arid regions; the short grass regions in western Kansas, southwestern Nebraska, eastern Nevada and Wyoming, are making more rapid strides in the direction of butter making than any other part of the country, and there is no state of the Union, perhaps, which has on the whole progressed faster in dairying in the last ten years than the state of Texas, and I don't know of any other part of the country where dairying on the whole is more promising than in the state of Texas. Moreover, as to single dairy farms, you can find just as good ones and just as profitable ones in the state of Georgia, speaking merely of Georgia as a sample of the southern states, as in any other state of the Union. There is no such extensive dairying done in the South, but as to the possibility of such successful dairy farming in Georgia and other states there can be no doubt, and there is enough reason for dairymen and persons who wish to pursue dairying as a business to be encouraged in undertaking it in those sections.

Now let me digress from the subject of the dairy industry as a whole, to one particular feature of it. Under the present laws of the United States we have at least two general classes of butter in this country, untaxed butter and taxed butter. The last Congress saw fit to define two grades or kinds of butter upon which special taxes have been levied, making this a part of what we commonly know as the oleo-margarine law, which was approved on the 9th of May of last year. One of these kinds or grades of butter was termed "adulterated butter" which does not make much of a showing in our markets or in the dairy industry, which requires a high license for the business and has to pay ten cents a pound tax, and I do not need to spend much time on that, but there is another branch of the business which is of more importance, and that is renovated butter. Here Congress requires that the manufacturer shall pay a reasonable license upon his business and that the tax upon the product shall be one-quarter of a cent per pound, the object being, however, simply to place enough tax upon it to enforce the law, and the objects of the law perhaps, to those who have studied it, are two-fold, first, to provide that this grade of butter shall be made in under sanitary condition from wholesome material in order that it shall be a wholesome product, and second, that through the operation of this law this grade of butter shall be identified, marked and made known in commerce, all the way from the manufacturer to the consumer; at least that appears to be the object of the law. I think there has been a good deal of misapprehension and a good deal of misstatement concerning renovated butter since that law went into effect, and if you will allow me, I would like to say a few words on this subject with a view of correcting some of those features.

It has been broadly alleged that putting renovated butter under the law is an imposition upon the dairy farmers of the country; that it is taxing farm butter and butter made by the small producer, and therefore a burden upon the small dairy farmer and the farmer who produces small quantities of butter incidentally to his other business—the source of a large portion of what we know as the dairy farm butter, and that also this branch of the butter making business should not be discriminated against by any such trick of law to license or tax, because the business itself is a boon to our dairy industry as a whole, changing a considerable part of our butter which is otherwise in an unattractive condition into an attractive and wholesome product. Let us consider these claims briefly from two or three standpoints, in the first place in relation to the farmer, and in the second to the market.

As I stated, our dairy butter as a whole amounts annually to a considerable over a thousand million pounds. Renovated butter is practically all made from dairy butter, dairy farm butter, but it altogether amounts to not exceeding forty million pounds. The figures are not yet fully made up for last year, but I believe that will be about the output for last year, so that there is but four per cent of the farm butter of the country which passes through this process of renovating and that is the poorest four per cent of the whole one hundred per cent production; it is the butter which would not otherwise find an easy market anywhere. Thus we see that the part of the dairy butter which comes into the packing stock and becomes a part of the manufacture of renovators is extremely small in proportion to the whole product, and there can be but comparatively few persons interested in this special production and consequently the quarter of a cent tax amounts to but little so far as the butter production of the country as a whole is concerned. It applies to only about four per cent of the farm butter and to but little more than two per cent of the butter of the country as a whole. If this tax itself, or the other portions of the law were onerous, it certainly would have operated to decrease the production. Certainly the effect of the first year's enforcement of the law might have been expected to show itself, but while here again I cannot speak exactly because the figures for the whole country have not yet been made up. I have in my hand the renovated butter figures for the Chicago and Elgin district, giving the figures for that product for the year previous to the enforcement of the law and of the fiscal year just closed, the first year in which the law was enforced, and the amount produced this last year under the operation of the law is practically the same, within a few thousand pounds of that of the previous year, so that the business has been carried on to the same extent under the operation of the law as it has been before, and showing that the law has had no effect in the way of restricting the output in any degree in that section of the country, and they believe this statement will apply to the country as a whole.

It is unquestionably true that the method of renovation assists a certain class of poor butter makers, or those whose product would not easily find a market otherwise, but not at their expense, because their product, which is sold as the raw material, for the renovators must find its market at any rate, at the price which the manufacturers or renovators see fit to place upon it when they buy it, law or no law, and as a matter of fact we know pretty well that there has been two attempts, more or less successful, of combination among these large buyers to

limit the price which they would pay for this packing stock, so that the law itself has had no direct effect on those; it is a question of competition. Fifteen months ago there was very great competition in this manufacture and the competing renovators, factory owners, paid altogether more than they should have for the stock, but since they have argued among themselves that the farmers got the benefit of it there has been less competition since then for the reason that the persons who went into it last year lost money, not because of the operation of the law but because they bought at too high a price and in speculative quantities a year ago. Evidently the law does not in its operation reduce the output nor does it reduce prices.

We see that renovated butter, assuming it to be in the neighborhood of forty million pounds, the total product, is only from eight to ten per cent of the total creamery product, probably not more than eight per cent of the total creamery product, but it has a very powerful influence on the market because it is so successful a competitor of creamery butter, successful for two reasons: Because it is so good a counterfeit of creamery butter in its appearance and when subjected to the judgment of almost all people except experts, and second, because there does not seem to be that moral sense on the part of merchants in handling this form of creamery butter that there has been in other forms of counterfeit; in other words, merchants who have been most particular, and are still, about handling oleomargarine and butter imitations generally, seem to be perfectly satisfied in their own consciences to handle renovated butter without using the word "renovated," without calling it so in their commercial parlance, and rather prefer to handle it without any identifying marks upon it, satisfied with the assurance that it is a pure dairy product, purified would be a more correct term, but of course the pure product of the cow originally. The attitude of merchants, at any rate, and dairy journals is such that there has not been that sentiment in regard to selling renovated butter as a substitute for and as pure creamery butter, as there has been as to other substitutes for butter proper, consequently renovated butter is to-day, and has been in the past, the greatest menace to the creamery interests, unless these renovated goods are fully identified. It is also, of course, a very sharp competitor with straight, fresh dairy butter, and in many cases outsells it without much difficulty.

It ought to be fully understood that renovated butter to-day is a very different and a very superior article to what it was two or three years ago, and for two main reasons. There has been a great improvement in factories, in

machinery and in methods of manufacture, but still more has been the item of fresh packing stock, or comparatively fresh packing stock. There has been no such accumulation when all this low-grade butter and raw material for the renovators in the late years, and in the last few months that there was two or three years ago. The competition among the sixty-odd factories that are renovating butter is so sharp that the market is kept pretty near cleaned up and consequently the packing stock is in nearly all cases fresher and is improved in other respects, and cared for better by those who handle it before it gets to the renovator. Hence the quality of renovated butter to-day is very much better than it was two or three years ago. For example, within ten days—I have not seen the quotations lately, but the last time I compared them and verified them by correspondence to know whether they represented the actual transactions, I learned that while extra creamery butter was actually selling in large quantities at 20½ cents per pound, the best renovated was finding a ready sale at 18½, a margin of only two cents a pound between the best renovated goods and the best creamery butter, and this two-cent margin is just where the temptation comes in to the merchant, and the retailer particularly, and in some cases, I am sorry to say, the jobbers and distributors.

If the renovated goods, carrying this quality, so it will satisfy the retail trade and the retail merchant pretty well, can be sold as creamery goods and at creamery prices, it takes the place of the creamery butter, and the merchant buying for two cents less and selling for the same price he otherwise would sell creamery butter for, makes this additional margin. It is the old story of butterine over again, the temptation on the part of the retailer to make a greater margin of profit by substitution and by what is an absolutely fraudulent transaction with his customers, and here is where the law comes in with its effort to prevent this sort of substitution of food.

As I said before, the law has two clearly defined objects, one of which is to see that the product itself is wholesome by causing the packing stock to be sufficiently inspected to prevent anything very bad from going into the product, and by causing the factories to be closely inspected so as to see that they are in sanitary condition and that the methods of putting up a wholesome product are satisfactory, and then finally, the marking of the goods themselves. The marking was left by law very largely to the discretion of the Secretary of Agriculture, and the law being a peculiar one, its administration being left in the hands of the Secretary of the Treasury and partly in the hands of the Secretary of Agriculture, it

became policy at least, and it was really intended that the rules and regulations established under this law should be established jointly by these two executive officers, and all such rules and regulations issued thus far have been by the joint approval of, and signed by both the Secretary of the Treasury and the Secretary of Agriculture.

One of the first things to be discussed and determined was what the official name or title of the article for the government should be. The law gives two names all the way through, and calls it in some cases "process butter or renovated butter," and in other cases "renovated butter or process butter," each name being used first in about an equal number of cases. It was evident that as a practical matter it would not do to have the same product on the market under two different names and paying a tax to the government, handled and marked indiscriminately by two different names, so that the question arose as to which of these should be selected, and the determination was made by the two Secretaries interested in favor of the title "renovated." This was resisted during the early administration of the law very strenuously by the manufacturers, who claimed to use the title "process" and claimed the preference for that word. The subject was fully discussed and considered and resolved itself into just about this: that if the product was called on the market "process butter" it still enabled retailers to deceive the consumer without much difficulty, whereas the name "renovated" carried some description and explanation of the goods themselves, and for that reason was the better as carrying out the intent of the law; hence the two secretaries have resisted the effort to change it, and the name "renovated" now seems to be fixed. It should be borne in mind that there are eleven or twelve states in the Union that have special laws on this subject, and that all but one of them uses the term "renovated" as the official term in their state laws, and this was largely influential in deciding upon the matter at Washington. Again, the great creamery interests of the country, which have been consulted, and the dairy associations, state dairy associations throughout the country, without a single exception so far as they have considered this subject, as all but two or three of them have decided in favor of this title "renovated." That also was taken into consideration in the decision. It is found after all, however, that the name is of comparatively little importance in the transaction of the business. The consumers being satisfied if they get the goods they want or the quality they want and at satisfactory prices, they do not object to the name in itself, and our largest manufacturers are

now as well satisfied with the name "renovated" as they would be with any other, and have withdrawn their objection to it, and the trade journals are now using this instead of the word "process," so that it is coming to be the fixed title for this class of butter. As I say, the best manufacturers don't object to it. They find their trade is just as good, even though their goods are marked, every pound stamped with the word upon the substance itself as well as upon its wrappers or covers, so that I think this point in the controversy has been passed.

The Department of Agriculture has recognized this grade of butter as entirely legitimate, as having a proper place in the market, and the Secretary of Agriculture believed while it was his duty to enforce this law with the two objects in view of careful manufacture and thorough commercial identity, that beyond carrying out those two ideas it was his duty and desire to place as little annoyance and obstruction in the path of dealers as possible. You will find that the federal law is complete enough, so far as manufacturers are concerned, and generally speaking, so far as the wholesale trade and jobbers is concerned, so that the effect of the law is to carry renovated butter into the states and into the hands of jobbing distributors in good condition, fully and completely marked, but beyond that point the federal law is not satisfactory and that it is very efficiently supplemented by state laws where they exist, so that in these states where they have a law, the state law and the federal law together carry the work of commercial identity to the consumer and afford that protection to the consumer which is so much desired.

The question of how far the federal law will protect these marks, and therefore the consumer, has not yet been ruled upon by the courts, but cases are in the United States Courts which will bring judicial determination on this question, and it is hoped that the United States courts will render such a decision as will that the marks having been put on renovated butter by the Secretary of Agriculture under the statute may be protected by the laws of the United States and those marks remain there until the ultimate consumption of the article.

PRESIDENT BAILEY: This subject will be followed now by Mr. J. B. Noble of Connecticut. Mr. Noble has been a member of this Association for a good many years, and I know you will be glad to hear him.

MR. NOBLE: I am very glad to be present with you here to-day, and I have been very much interested in listening to this discussion on the pure food law, because this is one of the grandest works in which a body of men

can be engaged. My thoughts to-day, Mr. President, have gone back to the time when this association was first organized in 1896, to see how much it has grown and how much more enthusiasm and interest is displayed and by so many more states than there were when this association was organized. I have been interested in listening to the paper on the dairy products and the discussion by Mr. Alvord. This is an important product of the country, and it seemed a little strange—it certainly does to me, a person coming from away over here on the Atlantic coast from the little state of Connecticut, with only five thousand square miles and less than a million inhabitants—to come over here to this grand state of Minnesota, and see the representatives of these other states here, large agricultural and dairy states, I say it seemed strange that I should be asked to say anything about the dairy products of the country. But we over in Connecticut are greatly interested in that subject. We have always been trying to make good dairy products. We are small in comparison to some of you, but we are trying to keep the standard as high as you do. Now with us in the New England states the dairy products are changing from what they were two years ago. In my own state and the other states of New England the product was largely butter, but with the growth of the cities, and I presume largely in the neighboring states, with the growth of the cities the consequent shipping in of milk from the surrounding country to be sold as whole milk is largely on the increase. Small creameries in my own and neighboring states have been closed within the last two years. This is not a lessening of the dairy industry, but it is a change from the production of butter to the production of milk to be sold as whole milk, and in Hartford, the capital city of Connecticut, is now going up a plant which is supposed and expected to be one of the finest plants in New England for supplying Hartford and controlling the whole output of milk. Now it is sold in Hartford, as in most of the cities there, by producers selling to consumers, but this association proposes to take all of the milk that is necessary for the 80,000 people in Hartford and control it and put it out to the consumer themselves. We do not know just how it will work there. Many of the local producers are opposed to it, as they do not think they are going to get so much out of it. In the cities of New York, Boston and Providence, all of those cities are taking a large part of our supply of milk.

We are glad that you over here in the middle west, and all of these large states, Minnesota, New York, Pennsylvania and all these other states, are doing such a grand work in the dairy

products of the country. You are producing good butter and a butter which is probably not excelled by any place in the world, and what are you going to do with it? We want to see, for one thing, that the dairy products of the country are kept up to a high standard; we want to see that quality shall never be sacrificed for quantity. We want to produce our dairy products at as low cost as we can with no sacrifice in quality, and let that be the main thing that the dairy farmers are working for, so that the butter which goes upon the market shall always be up to quality.

Now I was talking two years ago with a gentleman from England who was speaking of the butter that was exported from the United States. He was conversant with the business there and he said the butter which came in from the United States, a good deal of it was first-class quality, but there was this fault with it: it was not always of uniform quality, while the butter that came from some of the other places, some of the European countries, that a person who came into the market there and bought that butter was not obliged to test it or try it, because they knew the butter they would buy this week would be the same as the butter they bought last week, but they had no assurance of that kind in the butter that came from the United States. That was one thing that the people of the United States in the production of butter were not careful about.

I congratulate the Agricultural Department of our government on the good work they have done and are doing in regard to renovated butter. In the east that is one of the greatest competitors which we have for our creamery butter, and I congratulate the department on the rulings they have made. I hope they will be sustained. I think they did right in naming it renovated butter. It is descriptive to the public, shows what it is and that it has been renovated, and that it shall all be marked. I hope that the states, if it is necessary, and if it is not all thrown out under the United States government, that the states all through will soon have laws so that this article can only be sold for what it is. Now we in the east have had some trouble in years past, and we don't know as we are quite out of it, on this oleomargarine question. We had hopes when the new law was passed placing on colored goods a tax of a quarter of a cent a pound, that it was going to help the matter a great deal. It had the effect with us of increasing the number of dealers by a large per cent. There are more dealers selling it in Connecticut and the other New England states than there were under the old law. There used to be two grades of oleomargarine, colored and uncolored. The uncolored was practically a white article, easily dis-

tinguished, and the other resembled butter. Soon after this law was passed oleomargarine came into the market of a more yellow cast. This kept increasing until we have it in the market to-day resembling light colored butter. We were making preparations, making examinations and were about to bring some prosecutions to see if we could not stop it. It paid the quarter of a cent tax and we were confronted by a case that was brought in the State of Massachusetts and the decision in which had been sustained by the Supreme Court. I wrote to the clerk of the Supreme Court as soon as I heard of it and got a copy of the decision of the Supreme Court of Massachusetts. The Massachusetts law is almost identical with the Connecticut law, and it says that that no imitation butter made of any oleaginous substances shall be sold, but the second clause says there is nothing to prohibit this being manufactured and sold in a distinct form, so that the consumer shall know that it is oleomargarine.

Judge Bishop, who is one of the leading judges of Massachusetts on the Supreme Court, in the case tried there against Himgurg—and perhaps some of you have seen it—decided as follows:

"The case therefore turns on the proper construction of the words at the end of the section, 'free from any coloration or ingredient which causes it to look like butter.' I think that the proper construction of these words is, any extraneous substance or ingredient which causes it to look like butter, and that if oleomargarine of itself and by reason of the color of the ingredients ordinarily and properly used to compose it looks like butter, it is not an evasion of the statute.

"I think the principle laid down in the case of *Ammon vs. Newton*, 50 N. J. Law, is applicable to this case, and a verdict of not guilty is directed."

So that they are using a percentage of butter in the manufacture of oleomargarine. We have four manufacturers in Providence, in the state adjoining Connecticut. They use anywhere from 20 to 30 per cent of butter, but their butter must be uncolored. They had one case where one of the firms bought some butter, thinking it was Elgin butter, and it was found that the butter was colored and they had to pay the ten cent tax on it, but if that butter is yellow it does not make any difference how yellow it is, and the elements they use, cotton seed oil, causes it to resemble light colored butter; if it is not put in purely for the purpose of coloring it is not liable to the tax under the law, and with that decision we do not know in Connecticut how we are going to stop the sale of these goods. They are selling it as

oleomargarine, selling it under the law, but their butter is very much more acceptable for people to use—their oleomargarine, imitation butter, is very much more acceptable for people to use than the old, uncolored, under the old law. People will use this much more readily than they would use the old white oleomargarine under the old law, and I have heard many people say they prefer it to the renovated butter and they will use it, and so far as it goes it does not hurt the creamery butter. But we have determined that this shall be sold for just what it is. The only question that comes in, as Mr. Alvord has said, in regard to the renovated butter, is that some of it may go out, not as oleomargarine, but where some of it looks so near like butter that it may go out as butter, and that is what we have got to provide against, so as not to interfere with our dairy products. I do not know as you have been troubled in this way out here, but this is one of the things which we have had to fight against in the east under this new law.

Now, gentlemen, there are a good many to speak on this topic, and I don't feel like taking up your time. As I have said before, I congratulate you on the work you are doing in Minnesota and the other great dairy states in the way of dairy productions, and we from the Atlantic Coast are glad to stretch out the hand of fellowship to you and are glad we are going in the same company with you and that we can assist in building up and keeping up the dairy products of our country.

PRESIDENT BAILEY: The first lady Dairy Commissioner, Mrs. Mary L. Wright, who represents the great state of Colorado, is down for a discussion of this subject, but as Mrs. Wright has only recently been appointed she has asked to be excused. We are very glad to have her with us, and I want to serve notice on her right now that when she meets with us another year no excuse will be taken, and she will be expected to take a part.

The next gentleman to take part in this discussion is Mr. R. M. Patterson, Assistant Food Commissioner of Illinois.

MR. PATTERSON: I am more than delighted to have the pleasure and opportunity of addressing such an intelligent audience, and particularly the ladies. I am only sorry that the fair member from Colorado did not address us on this subject, because all pure food originally came from the direction of the ladies, and when we get away from them we do not get pure food. Now I know that all these written addresses are rather dull, but I will make an effort to be as short as possible, and if I find anybody sleeping I will stop.

R. M. PATTERSON'S ADDRESS.

Mr. President, Ladies and Gentlemen of the National Convention of State Dairy and Food Departments:

In discussing the dairy interest of this country, I desire to take you on a little excursion trip with me over the central part of the United States. You may remain seated, however. Starting from Chicago, going across the northern part of Indiana, through the northern part of Ohio, into the dairy district of the western reserve to the dairy country of the Empire state of New York; going down to Pennsylvania, across her hills and beautiful dairy valleys along the rivers of Taunton and Susquehanna into the feeding grounds of Lancaster, the most picturesque stop of the great keystone state, and, returning traveling through the blue grass region of old Kentucky—the state noted for her beautiful ladies and fine stock—and coming up across the Miami valley of Ohio and through the southern part of Indiana into the great and growing dairy districts and the board and fertile fields of Illinois and up through the well-known industrial territories of Iowa, Wisconsin and the great northwest, returning home through Minnesota, which is noted all over the world for her wonderful productive qualities for farming products, especially winter wheat.

In traveling across Minnesota you see beautiful homes and refined men and women, with great abilities, who work and produce the dairy products of this state. Reaching St. Paul you find yourself among energetic American people who are moving right along with the times and who are genuine Minnesotans.

The foundation and cornerstone of success on the farm is the dairy industry and the live stock business. Illinois has taken an advanced position in this line, and to-day she leads all other states in dairy products—in fact she leads the entire world. She fixes the price of butter and each week makes and gives out the quotations of the butter market for the whole country. What is known as the Elgin butter district is in our state of Illinois. The production of the creamery business of this locality last year was 45,121,115 pounds of butter. The butter output here brought on the market in 1902 nearly \$11,000,000. The Elgin brand of butter is known all over the world and is considered the best by all. The price of butter the last year averaged higher than any year since 1893, which stimulated the production of milk and caused a great increase of creameries in our state.

The average price of butter during the last 31 years has been 26 2-5 cents per pound.

It may interest those who are not familiar with the business to know how the price of butter is regulated and fixed. At Elgin, Illinois, when the

butter board opens each Monday noon there are from 50 to 150 people present—men who have butter to sell and men who have come to buy, owners of creameries, representatives of commission houses, brokers acting for big wholesale houses in other cities, and those who are engaged in the export business. All butter is graded according to its quality by arbitrary rules for the protection of the trade. The proprietor of a creamery who has a quantity of butter to sell offers so many pounds, just as an operator on the board of trade offers wheat, oats or corn for sale. Other proprietors do the same and the buyers bid for it. Each bid is recorded by the secretary and the dealers keep tab in a little notebook. At 2:30 o'clock p. m. the offering and the bidding closes, then the secretary calls for final bids, and asks each seller if he accepts the offer that has been made by the buyer for his butter. Some of them accept the bids and some decline and a record is made of all purchases. Then the quotation committee, which consists of five members of the board elected by their colleagues, retire to an adjoining room with a statement of the prices bid and the prices accepted and draw an average, taking into consideration all phases of the situation—the condition of the market, the cattle, the pastures, and all other circumstances—and within a few minutes report to the open board what in their judgment is a fair price, and that is the rate for the rest of the week.

There are but few combinations made among the butter men, although both the creameries and the cheese factories are gradually coming under the control of a small number of men who happen to be the most successful in the business because of their practical ability and superior judgment. The farmers are in the habit of building creameries of their own, after organizing a company, when they become dissatisfied with their treatment by the regular factories, but they seldom succeed in their enterprises and usually sell out to their competitors.

The surrounding country within a radius of 75 to 100 miles from Chicago is fast becoming a great dairy country on account of the facilities to ship milk from the dairies into the city of Chicago. Now you can see train loads of 25 cars, with 200 cans of milk to the car, start in the morning and make the circuit around over the different railroads in the northern part of Illinois, especially in a northerly direction from Chicago. The arrivals of the milk trains at the depots are on schedule time, and the milk trains are treated with the same consideration that the passenger trains are by the railroad officials.

The largest condensed milk plant in the world is at Dixon, Illinois, where over 3,000,000 pounds of milk a day is handled. This industry in the United States consumes about six hundred mil-

lion pounds of milk yearly, and makes in the neighborhood of five million cases of milk of 48 cans each. There are more than 200 condensed milk factories in the United States. Elgin is the birthplace of the condensed milk business. The process used now has never been changed since it was originally invented in 1856.

More attention should be given to the sanitary condition of the dairy and creamery industry. Scientific investigation has clearly demonstrated that typhoid fever and diphtheria and practically all contagious germs are transmitted to the human body through the agency of unclean and impure milk. And it has been proven beyond a question of doubt that deaths of bottle-fed children have occurred from diseases that have been transmitted into the milk by careless handling. Diseased germs have been known to pass from milk into the butter and there retain life for a period of four months. Fortunately the danger resulting from these germs has been greatly reduced by the modern method of separating the cream by a machine and pasteurizing it, thereby eliminating the germs and leaving the product in a comparatively pure state.

In our investigation in Illinois we seek to protect the people from the product of diseased cows, and to stop the use of filthy stables and unclean receptacles and the employment of careless men.

The introduction of modern scientific methods we believe will be the result of our inspections. We know of no better means of bringing about improved conditions than through the exposure of unclean dairies and creameries; and it is our belief that such revelations not only protect the public health, but prove of great benefit to the honest dairyman.

If the dairy farmer would run his farm and dairy and manage his affairs as industriously as the merchant or banker, he would meet with equal success in his business. In this connection I desire to refer to the need of a more practical education for our country boys in the dairy farming pursuits—an education that will not only better prepare them for agricultural pursuits, but at the same time awaken within them a greater respect for their calling. The mechanic of these times is taught manual training; the engineer surveying; the soldier military tactics; the lawyer jurisprudence; the preacher theology, and the banker bookkeeping and banking. All these are educated and equipped for their special line of endeavor. But the farmer boy is turned loose into the broad fields to work out his own salvation in the great workshop of nature, handicapped by lack of knowledge of the soil and its capabilities. It is my opinion that agricultural chemistry should be placed in the common schools in the rural districts. The farmer boy should know

more about plant life and its relation to the soil, so that if any one of the elements necessary to produce a crop are lacking he will be able to tell exactly what is needed and procure the necessary elements. He should understand thoroughly all questions entering into care and treatment of the cow, such as pasturage and the things necessary to enable her to produce the best results, as well as the proper handling of the milk in its preparation for the market.

In many cases the sanitary improvements of the creameries and dairies are a mere matter of a little work without any financial outlay.

It is my belief that legislation in the interest of the dairy and creamery industry of this country should at all times receive paramount attention by the people.

MR. MCCONNELL: Ladies and gentlemen, I merely wish to call your attention to the plans we have in store for you during the week. On Thursday, day after to-morrow, commencing at noon, we expect to give you a trolley ride, going from here to Minneapolis, visiting the largest mill in the world, and the people are going to be there to receive you and show you through the mills, and you will see St. Anthony Falls, Minnehaha Falls and various lakes and such other things as they have there, also a six o'clock dinner at the Commercial Club, Minneapolis, returning here in the evening. On Friday, as St. Paul is never outdone, they will give you a trolley ride around this city, show you the beautiful parks, and there will be a banquet by the Commercial Club here. On Saturday morning at 9:30 o'clock we have chartered a train on the Milwaukee road to take you to Lake Minnetonka. After arriving there we have chartered a steamboat, the best one on the lake, to take you all over the lake. In the forenoon we propose taking in the lower part of the lake and return to the St. Louis Hotel for lunch at one o'clock, then after a short rest we will take the boat again, covering the upper part of the lake and return there for a banquet and dinner at six o'clock, after which the Milwaukee road will return you here in the city on Saturday evening.

Now, friends, these arrangements are made and completed, and it means for all of you, and I beg of you that none of you will go home before we are through. You are here, and we want to state these things emphatically, so that it will be a very great disappointment if we cannot have you with us clear through. I again want to assure you of the very great pleasure it is to me to see so many of you here and I believe we are going to have a most excellent meeting and that the results are going to be far-reaching.

PRESIDENT BAILEY: Once more I want to call attention to the lecture of Dr. Wiley to-

night. The large room will be ready for us, and I will ask you again to all come and bring your friends.

Convention adjourned to meet at 8 o'clock p. m. the same day.

EVENING SESSION, JULY 21ST.

Convention met pursuant to adjournment at 8 o'clock p. m.

PRESIDENT BAILEY: The program will be opened up this evening with a lecture by Dr. H. W. Wiley, Chief of the United States Bu-

allusions which I shall make to-night. One of the first I call your attention to is the old saying that there is nothing new under the sun, so that no matter what investigations may be made, somebody will find somewhere that they have been made before, and so in my Sunday readings I have lately discovered that experiments with food are nothing new.

Food experiments have been conducted from remotest antiquity, but perhaps not with all the scientific accuracy which characterizes the experimental work of modern times. The first re-



DR. H. W. WILEY.

reau of Chemistry. His subject is "The Effect of Antiseptics on the Human Body Under Recent Experiments," which he is prepared to show you by means of this lantern. I now have the pleasure of introducing Professor Wiley, of Washington, D. C.

DR. WILEY'S ADDRESS.

Mr. President, members of this association, and ladies and gentlemen. This is a city named after one of the most famous apostles, and I think that would be a sufficient excuse for the biblical

corded food experiment which I have been able to find is described in the Book of Daniel, first chapter, twelfth verse and following.

When Daniel was brought into the royal household of the King of Babylon he was required to eat the food prepared for the King and the court. This the prophet was not willing to do. The chief of the eunuchs, who had taken a great fancy to Daniel, was greatly worried over the situation and informed the recalcitrant Israelite that the King would hold him responsible for the poor

physical condition which Daniel would doubtless acquire if he failed to eat of the rations prepared for him. Daniel thereupon proposed an experimental test, based on a truly scientific principle though not attended with that nicety of chemical analysis which to-day is the primary condition of such work. He said to the prince of the eunuchs:

Prove thy servants, I beseech thee, ten days, and let them give us pulse to eat, and water to drink. Then let our countenances be looked upon before thee, and the countenance of the children that eat of the portion of the King's meat; and as thou seest, deal with thy servants. So he consented to them in this manner and proved them ten days. And at the end of ten days their countenances appeared fairer and fatter in flesh than all the children which did eat the portion of the King's meat. And in all matters of wisdom and

ration of the King's children be even narrower than that of Daniel and his fellows. But this we are hardly justified in doing, since the term "meat" is evidently used in this sense as a general expression for diet in which, presumably, the carbohydrates bore a prominent part. In one respect at least I have followed pretty closely the line of experiment which Daniel outlined some three thousand years ago, in that I have made the periods of experiment approximately ten days.

In the experiments which I am about to describe, however, instead of pulse and water being the principal items of diet, I have substituted therefor borax and boracic acid. According to newspaper reports, which unfortunately are not always reliable, the results of my experiments have been very similar to those of Daniel, since it has been proclaimed from one end of the country to the other that the children of "Borax,"



THE KITCHEN; CIVIL SERVICE COOK PERRY AND WAITER WILLIAM CARTER.

understanding that the King inquired of them, he found them ten times better than all the magicians and astrologers that were in all his realm.

Pulse, we find, is a thick pap or pottage made from meal, presumably the meal of leguminous seeds, such as peas and beans or other similar leguminous plants. At the present day, in the light of modern investigations concerning nutrition, we would be inclined to think that Daniel's ration was a very narrow one, in which the carbohydrate element was decidedly deficient. We are surprised also to learn that on such a diet, which is not regarded as flesh-producing, their countenances became fatter than those of the children who ate of the King's meat. If we should construe the language literally our surprise would not be so great, because "meat" might be particularly lean meat and thus the

when their countenances were looked upon, were shown to be pinker and fatter than those of the children of pork and beans. So general has this impression become, that one of the distinguished members of the Supreme Court, Justice Brewer, remarked at an after-dinner speech not long ago, that he felt in looking at the fair, rotund faces of the guests that he might be addressing Dr. Wiley's borax boarders.

My purpose in the present address is to outline the nature of the experiments which have been conducted, to call attention to previous experiments of a similar character, note the points of difference and to refer briefly to some of the facts developed in the work. It is not possible at this time to give conclusions relating to the experimental work, because the analytical data, immense in quantity, have not yet been tabulated, averaged, and digested. It would be un-

wise to put forth any preliminary conclusions until all the data referred to are in shape for a careful study and comparison.

The primary object kept in view in the experiments which we are conducting is to determine by strictly scientific means the effect of preservatives, coloring matters, and other substances added to foods, upon the health of the consumer and upon digestion. We find in literature the most varied opinions of experts, so-called, concerning these matters. Practically every substance which has been used in foods for any purpose, aside from the foods themselves, has been the object of con-

these bodies do no good they have no reason of existence; if they are injurious they should surely be prohibited; if they are beneficial under certain conditions, those conditions should be ascertained and definitely fixed.

In arranging for the experiments, in carrying them out, and in discussing the data an earnest effort has been made to put aside every theory or personal impression or prejudice connected with the subject. How many times have I been asked: "Are the experiments proving what you expected them to?" I can always answer this question affirmatively because I had put aside,



DR. WILEY AND POISON SQUAD IN DINING ROOM.

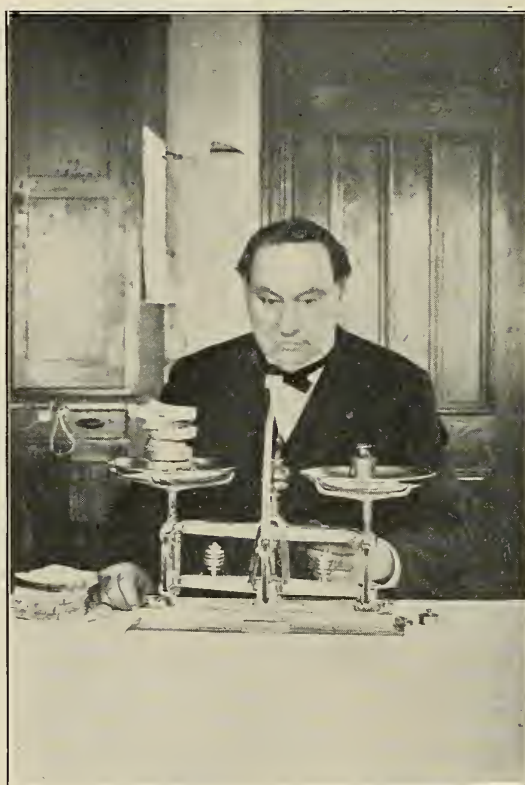
demnation on the one hand and of praise on the other. Salicylic acid, formaldehyde, borax, sulphurous acid, and benzoic acid, all have their apostles who declare their use in preservative quantities not only harmless, but positively beneficial. On the other hand, we find another set of experts which indiscriminately condemns the use of any preservative or coloring matter whatever. We must be allowed to say that the burden of proof should fall upon the advocates of preservatives and coloring matters. It is not claimed that these are substances natural to food and their addition must therefore be positively justified. Negative results are condemnatory. If

before beginning the experiments, all expectations. Our sole object has been to ascertain the facts, to establish them if possible beyond cavil, to collate them in what seems a scientific and reasonable manner, and at the end to draw such conclusions as judgment, uninfluenced by prejudice, would approve. Some of the above purposes, it is hoped, will be fully accomplished, because we propose to set forth in detail the manner in which the experiments were conducted, to record all the facts observed just as they occurred, to tabulate the work in the most scientific manner possible, and thus present to competent experts a basis for conclusions. When all this

is done it is evident that different conclusions may be derived from the premises by different persons. Whatever our conclusions may be, therefore, we do not claim for them any special virtue, but we do hope so to establish the facts on which they are based that the necessity for a repetition of the work may be relegated to the remote future. The enormous amount of work connected with such experiments and the great expense which necessarily attends them render it extremely advisable that the work should be thoroughly done, with every possible regard for accuracy, with elimination as far as possible of all sources of disturbance and error and with the establishment

it is well known that the digestive organs of other animals are different from those of man; that the processes of assimilation vary, and that what might be innocuous to such an animal might in other circumstances prove harmful to man, and vice versa. It was, therefore, concluded that the experiments to be of full value should be made upon the human animal. Fortunately, the Department of Agriculture is richly provided with subjects for experiments if only their consent thereto can be obtained.

First of all, therefore, a statement was made of the object of the experiments and this was submitted to a number of young men connected



DR. WILEY WEIGHING OUT BREAD.

on as firm a basis as possible of the recorded observations.

An outline of the method of making the experiments at this time will be useful in explaining the details of the work, so that when the full data are published later those who care to look into the matter can understand exactly how they were obtained.

First of all, it is evident that no more theorizing on the chemical and physical properties of preservatives and coloring matters can be of much value in work of this kind. It is further evident that pharmacological experiments made upon other animals than man, valuable as they are, will not lead to absolutely definite results.

with the department who were generally college graduates or students engaged in scientific pursuits but at a low rate of compensation. The only inducement offered to these young men to engage their attention and consent, in addition to the contributions to the progress of science which they would make, was that of free board during the period of the experiment. This, indeed, must be considered as a very small reward for the strenuous life which they were compelled to lead for so long a period. Nevertheless, large numbers of volunteers presented themselves, far in excess of the actual demand. Each applicant was requested to fill out the blank which follows: *Descriptive blank to be filled out by applicants*

for Hygienic Table.

1. Name and address.....
2. Date of birth.....
3. Have you had any sickness confining you to your room within a year?.....
If so, state nature and duration.....
4. Are you subject to indigestion?.....
If so, state character and frequency.....
5. Do you use coffee, tea, or chocolate with your meals?.....If so, state at which meals and what beverage you prefer.....
6. Do you use tobacco?.....If so, state in what form, at what time, and quantity....
7. Do you use wine, beer, or other alcoholic beverages?

Only a very small percentage of the applicants used neither tobacco nor alcohol. Since alcohol has a positive food value, and it was desirable to eliminate this beverage from the hygienic table, I finally decided to reject the application of all those who used even to a moderate degree alcoholic beverages. I then decided to accept, in so far as it was necessary to make out the number, the applications of those who used tobacco moderately.

It was decided at the beginning that the number at the experimental table should be 12, divided into two classes of 6 each. It was evidently impracticable for a young man to continue for seven or eight months in so strenuous a life at so



IN THE FOOD LABORATORY—DR. W. D. BIGELOW.

8. Do you go to stool regularly?.....At what hours?
9. At what hours do you usually urinate?.....
10. At what hours do you go to bed?.....how many hours do you usually sleep?.....
11. Do you engage in any unusual or violent exercise?.....If so, what?.....

The object of the above blank was to get an idea of the personal habits of the applicant and especially to ascertain if he had been lately subjected to any serious disease or if he had any hereditary tendency to disease. It was also desirable to know whether the applicant was addicted to the use of tobacco or of alcoholic drinks, and if so, to what extent. I had hoped to be able to secure a sufficient number of applicants who used neither tobacco nor alcohol to make up the corps of cadets, but in this I was unsuccessful.

small a compensation. The object of having two classes was that one should be resting while the other was undergoing experimental treatment, thus dividing the time as nearly as possible equally between the two. The number under experiment was subsequently increased to 14 for some special purposes. The members of the table having been selected, each one was required to subscribe to the following pledge:

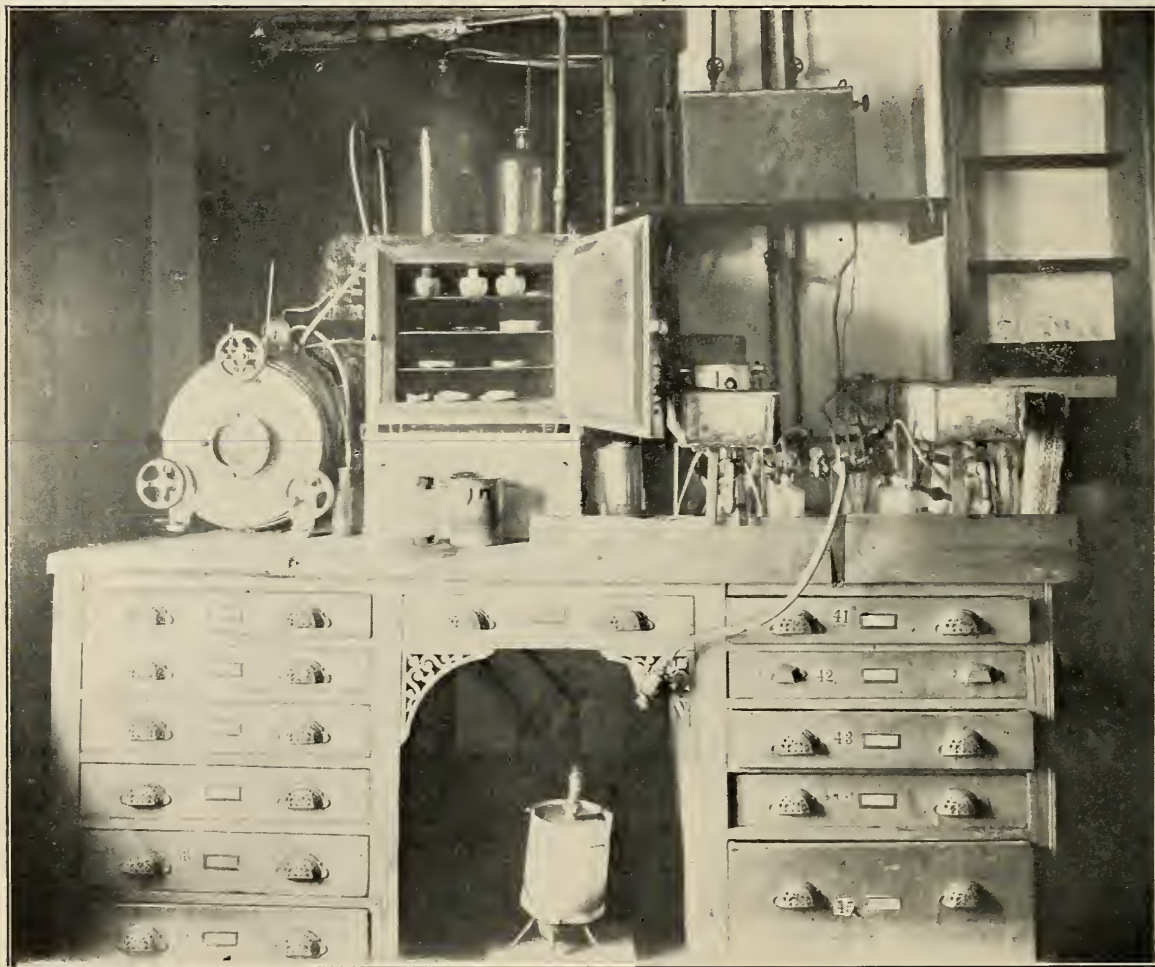
"I hereby agree, on my honor, to follow implicitly the rule and regulations governing the hygienic table of the Bureau of Chemistry during the time that I am a member thereof. I agree, during my attendance at the table of observation, to use no other food or drink than that which is provided for me, with the exception of water, and that any water not used at the table will be measured and reported daily as a part of

the ration. I further agree that I will continue to be a member of the hygienic table for a period of at least six months, from December 1, 1902, unless prevented by some illness, accident, or unavoidable absence. I agree to continue the regular habits of my life, to indulge in no unusual excess of labor or exercise, and if tobacco be used it shall be used at such times and in such amounts as will be agreed upon between myself and the Chief of the Bureau of Chemistry.

"I further agree that I will not hold the Depart-

took a lively personal interest in the work to which they were devoting themselves. They were required, as is seen by the pledge, to pursue their daily vocations in the usual way. In the case of those who used tobacco, a statement of the quantities used, the character of the tobacco employed, and the times at which it was taken was made, and they agreed to continue the use in exactly the same way during the entire period.

At the completion of an experimental period, in retiring from the experimental table and passing



DETAIL FROM FOOD LABORATORY SHOWING DRYING APPARATUS FOR EXCRETA.

ment of Agriculture, nor any person connected therewith, responsible for any illness or accident that may occur during my connection with the hygienic table."

It is evident that in experiments on the human animal it is necessary to rely to a certain extent upon the honor of the person under observation. I have every reason to believe that the members of the hygienic table kept their pledges faithfully. They were young men of high standing, fine character, with no bad habits, and they all

to the recreation table, the candidate was required to subscribe to the following certificate:

I hereby certify on my honor that during the period beginning.....and ending....., I have not partaken of any food or drink (except water reported) other than that furnished at the hygienic table of the Bureau of Chemistry, and that I have accurately recorded all the items of food and drink received at the table.

I further certify that I have not engaged in any excessive or unusual physical exercise; that I

have followed, in so far as possible, the regular tenor of my daily life in respect of work, exercise and sleep; that I have observed to the best of my ability and recorded accurately the data re-

Form No. 2.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

DAILY CHART.

(To be filled out by each member of the Hygienic Table.)

Name and number

Date

Temperature. (Sub lingual.) F°.	Hour.	Pulse. (Beats per minute.)	Hour.	Weight, stripped. (Kilos.)	Hour.

Stools.		Hour.	Urine.	
Weight. (Grams.)	Consistence. ¹		Volume. (cc.)	Hour.

¹ Firm, soft, very soft, semi-liquid.

lating to weight, temperature and pulse; and that I have observed faithfully all the regulations connected with the experimental work at the hygienic table.

By thus placing the young men on their honor, by interesting them in the work, and by giving them periods of rest during which they were at liberty to eat moderately at other tables than those set in the Bureau of Chemistry, I secured practically the results which would have been obtained by an absolute control of animals experimented upon both during the periods of eating and the intervening periods.

It may be asked: Why were so many persons selected? To this I reply that the idiosyncrasy of the human animal is very marked. Experiments made upon a single, or even two individuals, are apt to be very misleading by reason of this idiosyncrasy. I would gladly have extended the experimental work to 20, 30, or even 50, if it had been possible to do the analytical work connected with such a large number. One of the chief differences between the series of experiments under consideration and those previously made has been in this particular. We have experimented with a much greater number of subjects and for a much longer period of time than any of the similar experiments that have heretofore been conducted. We have thus, to this extent, eliminated more completely the errors due to im-

perfect observation, imperfect control, and idiosyncrasy.

The installation of the kitchen was in one of the rooms of the basement of the Bureau of Chemistry, which up to this time has been used as a storeroom. The cooking was done on two gas stoves and under the supervision of a cook certified by the Civil Service. The arrangement of the kitchen is shown in the projections which I now throw upon the screen.

The dining room was one of the rooms set apart for the Road Material Laboratory which, however, could be used for the dining room without interfering materially with the work carried on there, which was done chiefly at desks around the sides. An illustration of the dining room is shown in the projections which are now thrown upon the screen.

The food of each member of the table under observation was weighed or measured; the liquids, such as coffee, milk, tea, and water, being measured and calculated to weight from the density of solutions; the solid foods being weighed upon a torsion balance sensitive to a half a gram. The process of weighing is shown in the illustration which is now projected on the screen.

A sample of the food furnished at each meal was taken for analysis, immediately placed in a bottle, stoppered and sealed with paraffin so that no moisture could escape in the necessary interval

Form No. 24.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

MEAL REPORT, HYGIENIC TABLE.

BREAKFAST MENU.

Thursday,, 190

Name and number of member.....

{ Apples	grams.
{ Oranges	grams.
{ Bananas	grams.
{ Grape fruit	grams.
Oatmeal	grams.
{ Eggs	grams.
{ Lamb chops	grams.
Hashed brown potatoes	grams.
Graham gems	grams.
Bread	grams.
Butter	grams.
Sugar	grams.
Coffee	cc.
Cocoa	cc.
Tea	cc.
Milk	cc.
Water	cc.

REMARKS. — Entries space must be filled out either with a figure or a dash.

Form No. 34

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

MEAL REPORT, HYGIENIC TABLE.

LUNCH MENU.

Thursday, , 190

Name and number of member

Oxtail soup	cc.
Peaches	grams.
Bread	grams.
Butter	grams.
Sugar	grams.
Coffee	cc.
Cocoa	cc.
Tea	cc.
Milk	cc.
Water	cc.

*P. S. H.—Each space must be filled out either with a figure or a dash.

of time before weighing and subsampling could be accomplished. Foods which could be used in bulk, such as prepared cereals, etc., were sampled for each lot, thus reducing to some extent the labor of analytical work. The analytical work connected with the experiments was conducted in the food laboratory, and illustrations showing the general character of the work as conducted are now projected upon the screen.

Not only did the analytical work include samples of all the foods used for each meal, but also samples of the urine, feces, which were carefully collected and weighed for each of the members of the table and subjected to analysis. In short, an account was opened with each member of the table, exactly similar in character to a bank account. Each member was charged with all that was given him in food and credited with all which was returned in the excretions. The balance represented the food consumed in the production of heat and energy within the system provided the bodily weight remained constant. Thus an exact and accurate control was kept of each individual which would have made it impossible for him to have violated the rules by taking nourishment in addition to that given him, because all such additional nourishment would have at once been detected by a disturbance of the balance sheet. Each member of the observation table was weighed carefully on a delicate balance each day before dinner, since the determination of the weight of the body and its variations under the experiment are two of the most important of the data to be obtained. Each member of the table was furnished with blanks, copies of which are projected upon the screen, with which to keep

an account of the foods received, the meals at which they were eaten, to enter a record of his weight, of the temperature before and after eating, of the pulse, a record of the beatings of the heart, and all other data connected with the income and outgo of the food. One of these blanks was filled up for each meal and the daily blank filed. From these blanks a statement of the foods consumed was made for the same period of observation.

In the beginning of each experimental period there was first determined how much of the food would be necessary to secure as nearly as possible an even weight of the body. This part of the experiment was called the "fore-period," and lasted, after the manner of Daniel, for about ten days. At the end of this time the daily ration for each member of the table had been determined and this was established as the standard of the ration which we should have during the remaining portion of the experimental period.

The "middle period" represented that portion of the time during which each member of the table ate the rations previously determined, together with the added preservative, borax or boracic acid. This period extended generally from ten to fifteen days.

This was followed by the "after period," during which the same ration as first determined continued but the preservative was withdrawn, the object being to restore the body to its normal condition in case it had been disturbed by the

Form No. 34

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

MEAL REPORT, HYGIENIC TABLE.

DINNER MENU.

Thursday, , 190

Name and number of member

{ Roast chicken	grams.
{ Roast turkey	grams.
Mashed potatoes	grams.
Succotash	grams.
Cranberries	grams.
Ice cream	grams.
Bread	grams.
Butter	grams.
Sugar	grams.
Coffee	cc.
Cocoa	cc.
Tea	cc.
Milk	cc.
Water	cc.

*P. S. H.—Each space must be filled out either with a figure or a dash.

use of the preservatives. The after period as a rule was ten days in length. Thus the whole period under observation varied in each class from 30 to 40 days.

The variations in bodily weight during a period of observation are most conveniently represented graphically. Such a representation covering one of the periods of observation is thrown upon the screen. It bears the graphic lines showing the variations in the weight of each member of the class for a full period, including fore, middle, and after periods. It also shows a combination of these variations in a graphic line based upon the average weight of the members of the class at the time of entering upon a period of observation, with the variations of the average weight by combining into one the individual variations in weight for each day. Thus there is practically eliminated from this graphic line the accidental variations due to idiosyncrasy and error of observation, and the general effect produced in the different parts of a period are shown by the variations in this base line. A balance sheet giving the amount of food charged to each individual during a period of observation, together with the amount with which he is credited showing the deficiency or excess, is also thrown upon the screen. (During these projections the particular facts represented by each table and graphic chart were pointed out, without, however, drawing any conclusions of a general nature relating to the whole experiment.)

The above are illustrations of the character of the work which has been accomplished in the study of the effect of preservatives, coloring matters, etc., so far as the experiments have now extended. When you consider the great amount of time required for each chemical operation, the vast total number of weighings of the food for the control of the work, the equally great mathematical labor of tabulating, computing, averaging, and studying the data for a period covering seven months, you can have some realization of the magnitude of the work which has been undertaken and that part of it which has already been accomplished. The table itself, with its steward, cook, waiter, members, and direction, required the continued services of eighteen persons who had to work without intermission twelve hours a day, holidays and Sundays included, for the whole period. In the chemical work eight chemists with quite a number of aids were employed during the whole time. The tabulation work, which is not yet completed, has employed five or six expert computers for a period of two or three months and much is yet to be done. The actual cost of the food consumed during the seven months has varied but little from \$12 per month for each individual. When it is considered that we could not use the scraps and pieces, as is done

in ordinary domestic kitchens, but that we had to select the homogeneous parts of the food, this is not an extravagant figure.

CONCLUSIONS DRAWN FROM EXPERIMENTS WITH BORAX
IN REGARD TO ITS EFFECTS UPON HEALTH AND
DIGESTION.

I shall not undertake to give here a resume of the literature relating to experiments conducted with borax and boric acid, but will content myself by citing the conclusions drawn from some of the more important observations which have been made.

I will begin with the conclusions of Chittenden and Gies, published in the *American Journal of Physiology*, volume 1, 1898. The experiments were conducted upon full-grown dogs, ranging in weight from 17 to 25 pounds. For the details of the experiment the original paper is cited. The authors draw the following conclusions:

"Moderate doses of borax up to 5 grams per day, even when continued for sometime, are without influence upon proteid metabolism. Neither do they exert any specific influence upon the general nutritional changes of the body. Under no circumstances, so far as we have been able to ascertain, does borax tend to increase body-weight or to protect the proteid matter of the tissues.

"Large doses of borax, 5-10 grams daily, have a direct stimulating effect upon proteid metabolism, as claimed by Gruber; such doses, especially if continued, lead to an increased excretion of nitrogen through the urine, also of sulphuric acid and phosphoric acid.

"Boric acid, on the other hand, in doses up to 3 grams per day, is practically without influence upon proteid metabolism and upon the general nutrition of the body.

"Borax, when taken in large doses, tends to retard somewhat the assimilation of proteid and fatty foods, increasing noticeably the weight of the faeces and their content of nitrogen and fat. With very large doses there is a tendency toward diarrhoea and an increased excretion of mucous. Boric acid, on the contrary, in doses up to 3 grams per day, is wholly without influence in these directions.

"Borax causes a decrease in the volume of the urine, changes the reaction of the fluid to alkaline, and raises the specific gravity, owing to the rapid elimination of the borax through this channel. Under no circumstances have we observed any diuretic action with either borax or boric acid. The latter agent has little effect on the volume of the urine.

"Both borax and boric acid are quickly eliminated from the body through the urine, twenty-four to thirty-six hours being generally sufficient for their complete removal. Rarely are they found in the faeces.

"Neither borax nor boric acid have any influ-

ence upon the putrefactive processes of the intestines as measured by the amount of combined sulphuric acid in the urine, or by Jaffe's indoxyl test. Exceedingly large doses of borax are inactive in this direction, not because the salt is without action upon micro-organisms, but because of its rapid absorption from the intestinal tract.

"Borax and boric acid, when given in quantities equal to 1.5-2.0 per cent of the daily food are liable to produce nausea and vomiting.

"Owing to the rapid elimination of both borax and boric acid, no marked cumulative action can result from their daily ingestion in moderate quantities.

"At no time in these experiments was there any indication of abnormality in the urine; albumin and sugar were never present."

The next study to which I call your particular attention was made by Dr. Oscar Liebreich, professor in the University of Berlin. The results of the experiments were published as a bulletin in 1899. Dr. Liebreich made an exhaustive study of the literature on the subject up to the time of the conduct of his experiments. These experiments were made upon dogs, rabbits, and guinea pigs. In general, the conclusions drawn from the study of the literature and experiments of other authors, and from his own with animals, are favorable to the use of borax in small quantities in food products. He summarizes the whole of the matter in the following language:

"Now, though severest criticism of medical observations, and experience won from experimental research justify the conclusion that borax and boric acid are innocuous as preservatives of food, this assertion of course can only be valid within certain limits, a restriction which, however, applies to all victuals and drugs; for we know that medicines, admixtures of food, and even aliments, when taken injudiciously or in excess, cease to be wholesome and suddenly become injurious substances. And moreover, if harm could be done by borax and boric acid used in the preservation of food, the immense quantities which have already been swallowed would have aroused the attention of medical men, particularly as boracic preservation is openly practiced (as may be seen by the butchers' trade journals) and has been unreluctantly accepted by the working classes.

"For the preservation of meat boric acid is used in quantities of one-half to three-fourth per cent; of this a great part is lost in watering the meat, particularly in the smoking process, for instance, so that we may estimate one-fourth per cent as the maximum amount which reaches the system. Experience has proved that 12 decigrams (1.2 grams) of boric acid or borax, if taken in food daily, even for a considerable time, does not affect health injuriously. Even quantities twice as large

gations having decisively demonstrated that these doses are far below the limit where deleterious action commences.

"Whoever studies the numerous experiments of different investigators with care will end in taking the view of certain authors, a view which has been mentioned above in this discussion, viz., that borax and boric acid, far from being injurious to the human system, are really wholesome substances. But a far greater number of observations will be required before this can be conclusively proved."

Elaborate experiments with borax upon men were conducted by the Imperial Board of Health of Germany, under the supervision of Dr. E. Rost and others, and the results published as Official Documents from the Health Office, Volume 19, Section I, in 1902. An elaborate review of the literature, with critical comments thereon, is found in this publication. Two men were selected for the experiment, for the details of which the original publication is cited. Dr. Rost's conclusions are distinctly unfavorable to the use of borax as a preservative medium. He discovered local effects in the reddening, inflammation and ulceration of the stomach and the immediately adjacent portions of the digestive canal. He also discovered the production of diarrhoea when doses of borax were not too small. Both with dogs and in the case of five grown men he found that administration of borax or boric acid to the extent of three grams per day produces a diminution in the bodily weight. He found that the complete separation of boric acid from the body was effected very slowly, and that for many days, and with persons suffering from kidney trouble for many weeks, traces of the borax in the system were distinctly detected.

An interesting paper on "The Influence of Boric Acid and Borax upon the General Metabolism of Children," written by Professor Tunncliffe, of London, and Dr. Rosenheim, was published in the Journal of Hygiene, 1901, where full details of the experiments can be found. The authors draw the following conclusions from their work:

"*Boric acid.*—(1) Small doses, up to 1 gram per diem, continued for some time, exert in healthy or delicate children no influence upon proteid metabolism. The assimilation of the proteid food was improved in one healthy child. (2) The phosphorus metabolism was unaffected in all cases. The assimilation of phosphorus was in all cases improved. (3) The assimilation of fat was not affected. (4) The body weight increased in all cases. (5) The quantity of feces was not affected. Their nitrogen and phosphorus percentage was slightly decreased. (6) No inhibitory effect upon intestinal putrefaction could be demonstrated.

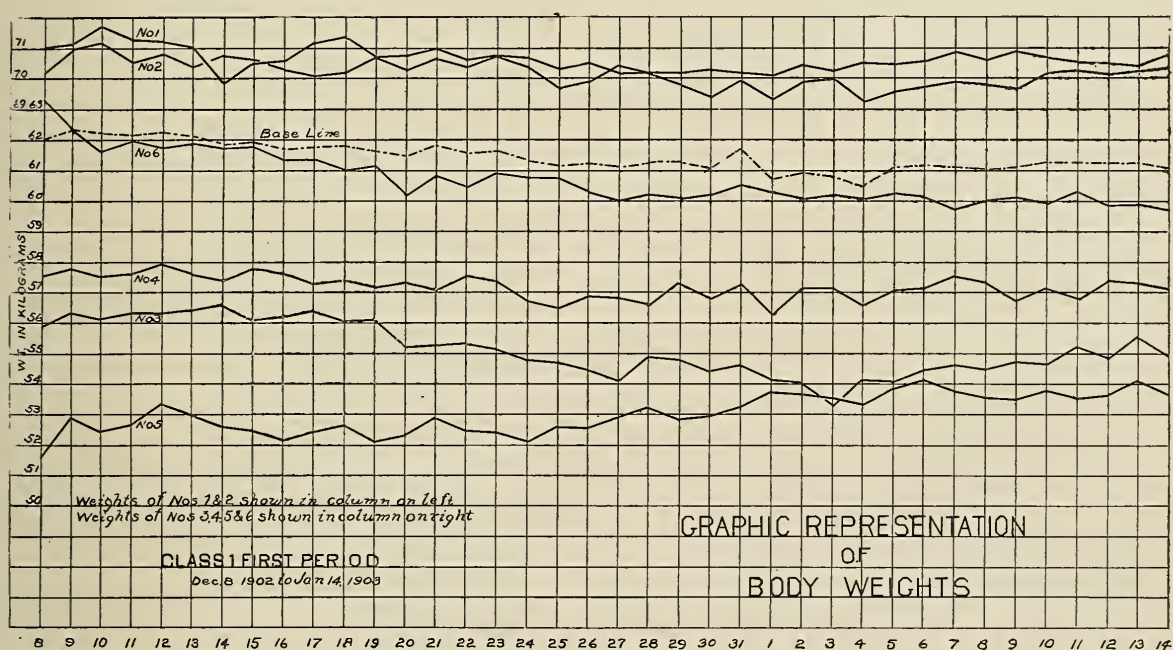
"*Borax.*—(1) Continued doses of 1.5 grams have

no influence in healthy or delicate children upon proteid metabolism. The proteid assimilation was unaffected in healthy children, slightly depressed in the delicate child. (2) The phosphorus metabolism was not affected in healthy or delicate children. The assimilation of phosphorus was improved in all cases, the amount being least marked in the case of the delicate child. (3) The fat assimilation was improved in the case of the others. (4) The body weight was increased in all cases; the increase was most marked in the case of the delicate child. (5) The weight of dry feces and their nitrogen and phosphorus percentage remain unaltered. (6) Borax tended rather to increase intestinal putrefaction.

with borax or boric acid, not exceeding 1.5 per cent of the weight of the meat, is effective and not objectionable from a sanitary standpoint.

"3. Meat thus dusted with borax or boric acid does not become slimy because the preservative thus used prevents the growth of aerobic, peptonizing micro-organisms."

Dr. Liebreich published a second bulletin in 1902, detailing additional experiments with men and animals and dealing particularly with the report of the Imperial Board of Health of Germany before mentioned. This second publication of Dr. Liebreich sought to establish, by experimental data and otherwise, the conclusions given in his first publication and contained in addition there-



"Boric acid and borax.—Both boric acid and borax were quickly eliminated, no cumulative action being therefore probable. (2) Neither boric acid nor borax in any way affected the general health and well-being of the children."

Professor Victor C. Vaughan and Mr. William H. Veenboer, of the University of Michigan, have conducted interesting experiments with borax as an antiseptic, and reviewed also the work of other investigators on the subject, the results of their investigations being published in "American Medicine" of March 15, 1902. From the results of their work they draw the following conclusions:

"1. The use of borax or boric acid as a preservative in butter and cream in the quantities specified in the recommendations of the English Commission is justified both by practical results and by scientific experimentation.

"2. The dusting of the surfaces of hams and bacon which are to be transported long distances,

to an exhaustive critique of the report of the Imperial Board of Health.

This bulletin of Dr. Liebreich was answered in an exhaustive brochure entitled "Boric Acid as a Preservative," and printed as an official document of the Imperial Chancellor in 1903, in which Dr. Rost summarizes the results of the critical study of Dr. Liebreich's investigations and gives a re-statement of the conclusions established by his own work in the following language:

"Boric acid is a preservative of small disinfecting power and can protect food from decomposition only by the use of proportionally large quantities. It is deceptive in its character in that it at once both increases the weight of the wares offered for sale and also makes it possible for the flesh with which it is mixed to hold a larger quantity of water than is possible when the flesh is pickled with salt or smoked. Even a still larger addition of this preservative does not be-

tray itself to the person consuming it, either through the taste or through the odor. It has a direct injurious effect in that on the one hand it produces a lower assimilation of meat foods by the human body, and on the other hand it so influences the nutrition of man as to produce a diminution in bodily weight. In this connection it should also be noted that the complete separation of boric acid from the human body requires a very long period. What has been said of boric acid is essentially true also of borax."

Dr. Charles F. Dight, of Minneapolis, has published a pamphlet entitled *A Study of the Effect of Borax and Boric Acid on the Human Body*, dated 1902, in which he reviews the work of previous investigators and details his own experiments conducted with pigs. For the details of the work the pamphlet cited can be consulted. As a result of his work he reaches the following conclusions:

"Now, the decisive test of anything is in the trial of it. The test of borax and boric acid, as made by various feeding and other experiments followed up by after-death examination, and these supplemented by the therapeutic use of borax and boric acid, give answer with the fullest certainty as to their effect in moderate amounts upon the animal body, and justify the following conclusions:

"1. That borax exerts no specific action upon the animal body.

"2. That any effect it exerts is because of and by virtue of its mild alkalinity.

"3. That the sum total of its effects upon digestion is not harmful.

"4. That it exerts no ill effect upon the ingredients of the blood.

"5. That it does not act as an irritant to the tissues generally or locally, nor cause pathological congestions.

"6. That by its use nutrition is not impaired.

"7. That it does not increase proteid metabolism.

"8. That it is not cumulative within the body.

"9. That borax in moderate amount, 2 grams or more daily, exerts no ill effects upon the adult body.

"10. That in proportion of 0.5 per cent it preserves fresh sweet meat from putrefaction for long periods of time, extending into months; while smaller quantities, even to 0.1 per cent or less, have been shown in practical use to preserve for periods of less duration.

"11. That putrefaction once begun is not arrested by it nor its further progress checked.

"12. That it is not a deodorant, removing from or concealing in putrefying meats, its offensive odor.

"13. That all of this is true of boric acid also, except that any effect it exerts is by virtue of its mild acidity.

"14. That boric acid may be taken in larger quantities than borax without harm.

"15. That borax and boric acid, like anything naturally good, may become harmful when taken in excess."

The above citations will be sufficient to show the discrepancy which exists among the results obtained in experimental work with this most interesting body. The extended use of borax and boric acid in food products, especially in meats, milk, and butter, makes them perhaps of greater importance from a hygienic and legal point of view than any of the other preservatives in common use. The great difficulty of controlling experiments of the kind which have been detailed, the idiosyncrasies of the individual on whom they have been tried, and the difference between the action of this preservative on the human digestion and that of the lower animals is sufficient to account for the greater part of the discrepancies which have been mentioned. Just to what extent the data which we have obtained in our own work will corroborate the views of one of the other schools of experts remains to be seen.

I may close, however, with a few general statements, not conclusions derived from my work but based upon a careful study of the work of others.

Foods can be preserved for a reasonable length of time in most circumstances without resorting to any chemical preservative or added preservative of any kind. Simple sterilization, which can be applied to most foods, is the most effective and the least objectionable of all forms of food preservation. There may be occasions of emergency or exigency in which the use of a chemical preservative is rendered imperative. The short period over which such an emergency would extend would not seriously endanger the health of the consumer were he to eat food for a brief period containing any one of the principal preservatives in common use.

It may be, further, a wise policy not to inaugurate absolute prohibition against all preservatives, but it certainly is true that wherever for any reason a preservative must be used the package of food containing it should be clearly marked so that the purchaser and the consumer may be fully informed regarding the matter.

Preservatives which even in small quantities when taken over a long period of time produce deleterious results should not be used in any case where it can possibly be avoided, and they should be permitted only in those cases of exigency and emergency where food cannot be properly preserved by any other means.

National and state legislation should be brought into harmony in matters relating to preservatives and colors so that laws may be uniform, based on sound hygienic and business principles, free of any tendency to prosecute or annoy, and sup-

ported by an enlightened public opinion both on the part of the producers and consumers of food.

I have thus endeavored to set before you the general principles and some of the details of operation of the experiments conducted, and will close by saying that the complete detailed work of the first series of experiments it is hoped will be ready for publication by the 1st of October. Then the second series of experimental work will be begun, following the same general method as that which has been outlined. I believe that you will agree with me that it is only by such an exact, painstaking, and long continued labor as that which has been outlined that we can reach any safe and lasting conclusions in regard to the particular effects of preservatives, coloring matters, and other substances added to food, upon health and digestion.

PRESIDENT BAILEY: We have all been very much delighted with Professor Wiley's illustrations, and listening to his lecture, and we will now hear what Professor Shepard has to say upon the subject.

MR. SHEPARD'S ADDRESS.

In talking with a friend to-day I made the remark that Dr. Wiley was surely a great man because he is doing such great things; but I want to say this, that I have been disappointed in one or two respects. I was in hopes from the title of the doctor's paper that he would be ready to-night to give us the complete results, that is, that he would be able to give us a positive statement as to whether his experiments had shown whether borax was injurious or not, and after he commenced talking another thought struck me. He told us about Daniel and the old experiments that were made at that time, and he made the statement that Daniel did very nicely and was fairer than those who ate the king's meat and also that he was fed on bean soup, and I didn't know but perhaps he was going to follow the subject up a little bit farther and explain how it was that after a time when Daniel came into disfavor with the king and the king cast him in the pit with the lions, why those lions didn't eat Daniel up. Was it because he had been kept on a diet of bean soup?

But, seriously, we all owe Dr. Wiley our sincerest thanks. I believe he has given us one of the finest exhibitions of the modern methods of research, of which we have had such a clear explanation where he has gone into detail. It gives a person an idea of the utmost care that surrounds any experimental work of the Department of Agriculture and the Agricultural Experiment Stations, and I shall wait, I am sure, with the greatest anxiety to know what the results will be when he gets these tables all summed up, when he gets them so that he can bring out his conclusions in black and white. I sincerely hope it

won't come out with them as it did with us in the South Dakota station. We made up our minds that since the conservation of water was one of the greatest problems for the people of our state we would inaugurate a system of treating land with all the possible systems that a farmer would be likely to treat it, then we would take samples every day and dry them in the laboratory; and we carried on those experiments for a long time. We made thousands and thousands of determinations and I am sorry to say that when we got through with it our figures did not have a single message to tell us. The reason of it I cannot tell. I sincerely trust that Dr. Wiley's figures, when they are all gathered together and summed up, will tell a story that the American people are waiting to hear. I believe that this subject of antiseptics is one of the living issues of the day. I do not care to go into any discussion of it this evening. I have to speak on this question again and I presume you will hear more about it, and I presume I am somewhat more radical in my views than many present. I have been working with these chemicals a good many years but I have never had the opportunity to make such an experiment as Professor Wiley has been making. Of course in my work along the lines of physiological chemistry and my experiments with artificial digestion, such as falls to the lot of the ordinary college professor, my experience has been against these things and my mind has set that way; but I do hail this work with delight for myself, and I think I could for this whole audience thank Dr. Wiley and the Department of Agriculture for giving us an insight into the manner in which this work has been done, and also for the assurance that when this borax question has been completed that another, salicylic acid, will be taken up and treated in the same way. And I will say this to Dr. Wiley, that when you get through with these and take others such as formaldehyde, abradol, betanaphthol and so on and push the whole list clear through to the end that when you have got that far in your experiments you have just begun the work. I think it ought to be pushed further than this. If a man buys embalmed foods he does not get straight borax poisoning or borax antiseptic, but he will get a dose of coal tar dye and he will get a dose of formaldehyde and he will get a dose of sulphite—but I will reserve this and not go any farther now. But I want to assure you that the number of antiseptics he will consume at one meal will surely constitute a case of mixed pickles. If you can by any means get a sort of perspective upon the practices of the dishonest and fraudulent manufacturers and learn just about how much of those different antiseptics they put in the different lines of food, and then when you get through, if you can find any young men who will have the temerity, after you have got to that

point, to volunteer and agree to take so much of this poison and so much of that just in about the same proportions in which they are used by the manufacturers to-day, I think that you can feel that you have reached the crowning work and the crowning glory of your life. I believe that that one thing alone would be worth all the time and all the trouble and all the money that Uncle Sam has given for this work. I know that the work that has been so ably and so conscientiously carried on by you and your assistants is worth all that it costs and a hundred thousand times more, because I feel sure that results will come and that the benefits will be lasting. I hope it will enable us to return to our old simplicity, back to the time when we did not use these things. I hope it will inaugurate a new era, and if we can hark back to the practices of our grandmothers' days when things were preserved only with salt and sugar and spices and smoke, I believe it will be better for us as individuals and as a nation. I thank you.

PRESIDENT BAILEY: The next discussion is by Professor E. F. Ladd, of North Dakota. Professor Ladd is the State Chemist and I take pleasure in introducing him.

MR. LADD'S ADDRESS.

Mr. Chairman, Ladies and Gentlemen: I shall take but a moment of your time after the very interesting address you have heard and after what Professor Shepard has already said. Whatever I say of course must be taken as the result of *a priori* reasoning as Dr. Wiley has said, because I have not had the opportunity of making experiments. Neither can I, as food commissioner in charge of the enforcement of the laws, wait for several years for somebody else to make these experiments, therefore I must get the best data I can and draw my own conclusions as to whether these products are harmful or not. After having worked for some two years on food products that have come into North Dakota I could have come to but one conclusion and that was that North Dakota was the dumping ground of some of the worst material that was ever manufactured in America. When I went over a list of these food products I concluded that if I went to a hotel and ordered my dinner that the chances were I would take, not as the professor has said, benzoic acid, but that I would take eight to twelve different doses of coal tar dye, benzoic acid, sulphites and boracic acid in the things that I might eat in any of the leading hotels of the city. Not only that, but those same articles were used to conceal inferior products and articles that could not have been sold in any other way, therefore I concluded that I had the right to say to the people that these products should not be used in the way

they had been. I so advised the members of our legislature, and certain classes of these products have been prohibited for use. It is not because those things were being used in small quantities, but it was because ten times as much would be used in putting up a single bottle as was necessary; then when you are getting ten doses at a time and three doses a day, in 365 days you would be getting 10,950 doses a year. Now, I maintain we have a right in such a case as that to come to some conclusion and prohibit the sale of an article until we have the means of proving that they are not harmful, and just as fast as it can be shown that these ten doses combined together are not harmful, then I will use my influence with the others in the state to have the laws changed so that they can be used in a reasonable way. Until that time I prefer to stand on the ground that they are harmful because I believe they are in ninety-nine cases out of a hundred. That this conclusion is not erroneous is born out by the fact that many of the best medical authorities in America and Europe strongly condemn the use of these chemical preservatives and coal tar dyes.

PRESIDENT BAILEY: The next subject taken up for discussion is "Food Standards," and that will be opened by Dr. Eaton, State Analyst for Illinois.

"FOOD STANDARDS."

BY E. N. EATON, M. S.

Back of the chief aim of this organization, namely, the unification of state food laws and rulings, lies the proposition of food standards. By food standards is meant such a distinctiveness in name, composition and value as will give each food a definite place as a market commodity.

When the human race lived closer to nature than to-day, when every person picked his own fruit, milled his own grain and killed his own game, there was no demand for food standards. In this age of diversified employment when each one depends on others for most that he eats, drinks and wears, we must have standards or measures of quantity, quality, weight and value. While we have little reason to be proud of any of our systems of weights and measures, unless it be our decimal money measure, we are absolutely lacking in measures of food quality and strength; that is, in human food, for it is a significant fact that cattle foods are bought and sold on an exact and scientific basis, namely: on the fat, carbon and protein content. Of course it is impossible to apply the same method of valuation to human foods because their value depends more on flavor and taste, as well as all sorts of human idiosyncrasies, than on nutritive properties, but this fact simply complicates the problem, does not obviate the necessity for food standards.

Commissioner Jones of Illinois in an address

before the Illinois Association of State Officials said: "Until comparatively recently governments have been content to measure food by the quart, pound or piece. The time has now come when foods need to be measured by their composition as to strength, purity and effect on the health."

This need of the times, as expressed by Commissioner Jones, requires of science more than mere measure of strength as we sometimes consider food standards, it demands the consideration of the entire subject of food in all its relations as a separate branch of knowledge.

There is no more important question in food science than the fundamental one of classification. It is the beginning of every science, the primer of knowledge. When a new animal is discovered or the remains of an extinct one, Professor Bones immediately coins for it a new seven syllable binominal name which in a foreign tongue indicates some peculiarities of the beast. When a baby is born the chief concern of the proud parents is to add to his hereditary name enough others to distinguish him from his 70,000,000 countrymen. So every distinct food product deserves a specific name. The species once named should have individual characteristics; it should have peculiar and constant properties. Name a chemical and the chemist will tell every property it possesses. Name a flower and the florist will picture in his mind every leaf and petal. Name a food and no one knows its source, strength or nutritive properties.

To the task of describing every specie or variety of food comes the duty of dividing them into genera, orders and classes, as based on their uniform characteristics. The ordinary conception of food standards falls somewhat short of this ideal, but the adoption of standards of strength and quality is a step in the right direction and must ultimately lead up to the complete classification of foods.

I will not devote time in introducing this subject to dwell on the need of food standards or their usefulness to the tradesman, the public and the officers engaged in food control, knowing that these points will be well handled by the eminent authorities who are to discuss this topic. I would like to give a brief account, however, of what has already been done in the direction of establishing standards for foods.

Several states having food regulations have incorporated in their law standards for certain food products. In some instances where no law covered the subject or where the law on the point was ambiguous, the State Food Commissioner has made definitions and standards usually known as rulings. These laws and rulings govern the food traffic in the state.

Unfortunately, there is no uniformity in the ruling of the different states. The rulings of

one state are not consistent nor complete and the combined rulings of all states would not define all food products. The evils and inadequacy of state food rulings have long been recognized by this association and have been a fruitful subject for discussion at most of our conventions.

The United States Pharmacopoeial convention issues a decennial publication known as the Pharmacopoeia. This Pharmacopoeia among other things fixes standards for drugs. Among articles classified as drugs are some articles commonly used in food. For example, flavoring extracts, liquors, olive and other edible oils, cream of tartar, spices, etc. The Pharmacopoeia although having no legal status is binding on the drug trade and constitutes the best authority we have on such foods as are incorporated in it. Other countries have similar works, some broader in scope than our own Pharmacopoeia. In this connection I might mention a private publication of C. O. Moor on "Suggested Standards of Purity of Food and Drugs." This work is in some of its features supplementary to the British Pharmacopoeia, but in the feature of food is based on the laboratory experience of the author and his fellow chemists in enforcing the Food and Drug Act. Up to date it is the only publication in the English language that has any claim to completeness on this important subject.

There have been several plans proposed for fixing food standards. First I may mention the plan of having the standards established by a committee of this organization. This plan seemed wise, as the standards would have to be enforced by the food commissioners of the various states and supported in court by the food chemists. The chemists actively engaged in the work would also understand what standards were most practical as manufacturing and other commercial interests should be considered. The fact should be considered also that the scope of the work of governmental food control requires standards the enforcement of which is within the laboratory force and facilities of the states.

Another plan suggested at the last convention was the calling by the National Association of State Food Departments of a "Food Pharmacopoeial Convention" to create a "National Food Pharmacopoeia," if I may be excused the expression. A national food pharmacopoeia as planned would be to the grocer what the pharmacopoeia is to the druggist. It would command a willing, voluntary obedience. It would be a representative work, all interests governed by food standards being represented in its authorship. It would be the product of the recognized experts of the country and its compilation would necessitate the treatment of food as a science. It would be self-perpetuating, allowing it to keep pace with scientific advancement. This plan for the present

lies dormant, but it is more than likely that some such representative work will be the final solution of the problem of fixing food standards.

Another plan of creating standards is advanced by the Association of Official Agricultural Chemists, which organization has lately interested itself in food products and has appointed a committee to draft a set of standards governing food products. The Association of State Food Departments, desirous of seeing this work brought to completion and anxious that the standards adopted be an aid rather than a hindrance to the practical enforcement of food laws, have been represented by a committee at every convention of the Agricultural Chemists. Although the work has progressed very slowly, it is gratifying to report that a preliminary report covering certain foods is ready for publication. On account of the relief in this direction the committee on standards appointed by this association has not organized for work. An act of Congress making the Association of Official Agricultural Chemists the guide of the Secretary of Agriculture in formulating standards which he is empowered to make and use in regulating the importation and exportation of food products gives prestige and authority to the work of this association.

In order to facilitate the work of this association as well as to make the work of more value to the food commissioners, it would appear advisable that the committee be enlarged and subcommittees appointed to work up each food product. If then the report be exhaustive as to each individual food product and classified, it would meet the requirements of governments in the regulation of food traffic.

If, as we trust, a national food bill is presented in Congress, there should be incorporated in the law the standards and definitions of this association or some clause making these standards *prima facie* evidence of legal quality. When this is done each state food commissioner can ask the legislature of his own state for similar laws and the vexatious questions of dissimilar rulings and food standards will be a part of the record of the past.

PRESIDENT BAILEY: We will now hear Professor M. A. Scovell, of Kentucky.

MR. SCOVELL'S ADDRESS.

I do not know whether I can discuss this matter any better than to briefly state some facts in regard to the committee on Official Standards. I will leave the methods adopted, and so forth, and the correspondence, and how it is done, to the chairman of the committee, Dr. Frear, who follows me. I want to say that the committee was appointed by the Official Agricultural Chemists in the same year that this association was organized, in 1897. At that time the Association of Official Agricultural Chemists appointed the committee

which is now acting. They recognized at once that this committee was not appointed to draft a set of standards and opinions, but they were to compile the results of all the analyses and were to organize and classify them and to give the results of these analyses or have some data on which the facts could be based to give standards and definitions and standards, and especially standards. They have received no salary. They have done this work as fast as they could, considering that they were separated and considering that they had to give their time elsewhere to a great extent, but they were not idle. At the very beginning they organized and they classified as much as they could, all food into two great divisions, that of animal products and that of vegetable products, and Dr. Frear will tell you how the subdivisions are carried out. They did not alone do the work. They appointed subcommittees, men who could compile the analyses and who were experts in the different departments, for instance, Dr. Van Slyck and another doctor got the question of milk. He compiled the analyses as made in this country. The committee after correspondence and consultation were unanimously of the opinion that the work in foreign countries was not always applicable to American products and that therefore American results would have to be taken in the main, as the manufactures were different and as the conditions were different in other countries.

Charles D. Woods took up the question of meat; he had been working in the Department of Agriculture on that line; Dr. Lindsay, of Massachusetts, and others, Professor Weber took up the question of fruits and vegetables, he being probably the first chemist, of the Ohio State Commission, that had worked along in that line. On the subject of condiments we found but few analyses. Dr. Jenkins asked Dr. Winters to make analyses of different spices and he collected all the different spices from different sources and made over a hundred analyses of peppers and so forth. Dr. Crampton took up the subject of drinks. He has charge of the treasury department, as you know, and then the question of preservatives was taken up by another. This committee wrote to every chemist and to every manufacturer to get data and to ask questions. Whenever they formulated any particular thing they sent the food to see if it was right or wrong. They have been very conscientious in the work they have undertaken in order that the results would be final as near as could be and that they would be accepted not only by the food commissioners but by the manufacturers as well. In this line they are working and they have made a great deal of headway in analyses. Now I will take the subject of honey. We found that there was not sufficient analyses to pass it ourselves;

that is, whatever analyses we had were all different, although we had as many as two hundred analyses to go by and we are now working on some five hundred analyses of honey from the bees at different seasons and the different bees, such as the Cyprian, the black bee, the Italian and the other bees. We are trying the different honeys from those. Then we are trying the honey fed with sugar, and in different places, so that when we do have a standard for honey we will know that that standard can be relied upon for true honey. We know that most honey polarizes to the left; we know that some polarizes to the right. We could not put a definition and take a standard honey and say it must polarize to the left until we have more definite results in that regard.

This is our line of work, and it will take a long time before all of these subjects are dealt with, for they are to be authoritative when we get through. We do not wish to lay down standards that are opinions, but they will be the result of facts when they are finally arrived at.

PRESIDENT BAILEY: This subject was also to be discussed by Mr. Kilgore, but I do not think he is here, so now we will hear from Dr. William Frear of Pennsylvania on this subject.

MR. FREAR'S ADDRESS.

Mr. President and Ladies and Gentlemen: The time is altogether too late to hold you for the kind of discussion I would like to give before this body on this very interesting subject. I would like to speak particularly regarding the general organization and mode of operation of the work of the Food Standard Committee of the Association of Official Chemists which is now acting as a commission by appointment of the Secretary of Agriculture under authority of Congress, to guide him in the formulation of a series of food standards and in his determination of what shall be considered as constituting adulteration. The first step after making a classification of foods, was to decide upon the names to be used in designating the more important foods in cases where the trade usage is confusing or not well fixed. The next step was to adopt definitions for the terms employed in naming the foods, in order that the particular substance to which a standard is intended to apply shall be unmistakably indicated. The definitions used must bear strict interpretation. The form of expression, therefore, must be consistent, and lead up to but one point or idea so far as any human expression can. Now, at the very outset, in so simple a subject as meat, we found that no recognized language authority provided a definition for meat such as you or I would want to buy at our butcher's. The definitions were too broad; they did not have reference to sanitary conditions, and after very careful

consideration it seemed not only desirable to classify foods in the manner which Professor Scovell has outlined, but also to carefully consider the existing definitions with reference to their description of the foods for which we wished to present standards. In a great many instances we found it necessary to define and redefine repeatedly before we could hit upon a mode of expression that represents the normal condition and character of the foods we meant to designate. Naturally when that had been accomplished, certain of the broader aims of standardization had also been accomplished. I do not mean to say that the



PROF. WM. FREAR.

Chemist to Pennsylvania Department of Agriculture,
Agricultural Experiment Station.

chemical standards had been expressed, but the standards of purity had already been largely determined. Often we found when we came to a second set of products that the form we had adopted was not one which could be extended over the whole class to which both belong, and we were obliged, as I said before, to revise our mode of expression so that it would fit all the related subjects. Most of us had had more or less experience on the stand as witnesses and had been obliged to define. We had been confronted by definitions generally recognized as authoritative which did not, however, define the articles with reference to their fitness for use as food. We trust that when our work shall have been done, with the aid of all the helpful, instructive criticism which we will have received and which we hope to receive in the future, this phase of the work may prove quite generally acceptable and helpful to the executive officer, to the witness, to the manufacturer and to the general public in reaching a common understanding as to what these terms really mean.

In the next place, chemical standards were to be established. Now a standard does not represent an ideal up toward which the producer is expected to work, but in an expression of the limits which pure and normal articles do not exceed. It has been said with reference to the milk standards of one or two countries and states that in making the standards somebody forgot to consult the cow. The committee has found it necessary often to go back to nature to get at some of its facts. Professor Scovell has already outlined certain points on which extensive investigation has been made of the raw material of manufacture to ascertain the limits of variation which should not be overstepped; so that we might reach conclusions respecting the existing conditions of production to the end that the public and the manufacturing interests might have confidence in the work of the committee, and the executive officers might hold up their heads and say "we are wronging no man by unfairly judging him in the use of this set of standards." Of course, perfection cannot be obtained. If we waited for that we would get nothing done. Possibly we have gone too slow. Work upon many subjects was being done in the laboratories of those of us who were dealing with the subject of food investigation; but the samples examined were market samples; the results were not, therefore, of such a character as to give us authentic information concerning the raw materials. Consequently we had to go back to the raw materials themselves.

To none does the committee owe more than it does to Doctors Winton and Jenkins of the Connecticut experiment station, who provided us with important data with respect to the subjects which have been mentioned, and in respect to cocoa products which have recently been examined; but there are many other gentlemen to whom the committee is greatly indebted.

The relation which this Association has borne to this work is worthy of a moment's comment. It has been a part of the plan of the Committee on Food Standards of the Association of Official Chemists that every interest which could present a fact which ought to receive consideration should be given an opportunity to be heard. No one of us, if we live to the age of Methuselah, will ever know the whole subject, nor five of us, and no one can express himself so as to be perfectly understood by the others. We appreciate the fact that there are vast interests which are likely to be materially affected by the results of this work, and we have therefore proceeded cautiously. We have now reached a point with respect to the several schedules for which certain definitions and partial standards have been prepared, when we wish to receive the final criticism before the recommendations of the committee shall be made to the Secretary of Agriculture with respect to these

standards. I have brought with me copies of these schedules and we earnestly desire that every Food Commissioner and every chemist of this association will carefully study them. We do not believe these schedules are perfect. We desire all the information that can be given to us, and desire it soon in order that our action may be taken within a few weeks. A word as to the personnel of the Committee on Food Standards:

The members of the committee are: Director Scovell, of Kentucky, who is ex-officio a member of your association; Dr. Jenkins, who is intimately connected with the food control work in Connecticut, and Professor Weber, who was for many years ex-officio a member of this association; Dr. Wiley, chief of the Bureau of Chemistry of the United States Department of Agriculture, and myself. I occupy a somewhat curious, dual relation. I am a member of the Association of Official Chemists, as every chemist of our state food bureau is ex-officio I am a member of the committee appointed from my association to do this work, and I also have the honor to have been, I think from the start, a member of the committee representing the State Dairy and Food Departments. So that really both organizations have been represented in the personnel of this committee, and this association as a whole has very liberally contributed to the work of the committee. It is not the work of two or three men. The members of the Committee may be regarded as editors simply. We have had the most cordial co-operation from many of the leading trade interests. They have come to us in frankness, stating their objections, but admitting that possibly their own positions were open to criticism, and showing a general tendency to be ready to accept reasonable standards for the sake of securing uniformity of judgment and ruling throughout the country.

I trust that those of you who have not studied these schedules will take them away with you and in the course of a short time communicate with us if you have any constructive or destructive criticism to make. Please offer that criticism in the form of some specific suggestion with a distinct statement of the reason for it. I hope before long to prepare a history of these definitions, and give quite fully the facts upon which the chemical standards have been based, wherever we have attempted to give a chemical standard, in order that the public may have full information on this point; and the criticisms and suggestions will so far as practicable be presented in order that we may have the fullest understanding of the subject on the part of all concerned. I thank you.

PRESIDENT BAILEY: It is not late yet and as this is an important subject and there are doubtless many questions to be asked regard-

ing these schedules Professor Frear speaks about, any commissioner present who wishes to do so is invited to come up and discuss the matter.

MR. JONES: I think we have done pretty well to-day. We have put in a pretty good day's work, and unless there is something more I move that we adjourn.

Which motion was seconded and carried, and the convention adjourned until 9 o'clock a. m. Wednesday, July 22.

MORNING SESSION, JULY 22, 1903.

Convention met pursuant to adjournment at 9 o'clock a. m.

PRESIDENT BAILEY: I have been requested by the Committee on Resolutions to state that if there are any members of the association that have any resolutions to offer, if they are handed to the Secretary they will be given to the chairman of the committee.

This day has been set apart for the manufacturers and their chemists, and we are glad to have them with us. The manufacturers are the backbone of the country and we are glad to have them participate in these discussions. The first address on the program this morning is by the Secretary, Mr. R. M. Allen, of Kentucky, on the Regulation of the Food Industries.

MR. ALLEN: Before starting to read what I have prepared I want to lay down this fundamental principle for the regulation of the purity of food products: that regulation should depend upon scientific investigation more than it should depend upon policies that are inaugurated from time to time, because the business interests are so great, so delicate, and depend so much upon those finer conditions that we cannot afford to change policies from time to time and put men in positions of laws, of great laws that are not fundamentally based on the test tube, upon the microscope, or upon the compilation of all the scientific research that has been made in the study of food products.

Mr. President, a few of us met in Buffalo two years ago, up in one of the little parlors of that hotel; there was Commissioners Jones and Bailey, Mr. Noble, the ex-Secretary, and one of the promoters and founders of this association, and others. Since then I have had a dream of the time when the food chemists, food scientists, food manufacturers and the people charged with the enforcement of the pure food laws would come together and arrive at the best policies along which we would conduct our lines of work because they are safe policies. I have read in the investigations of the House and Senate Committees the testimony that was given by Professor Wiley

of Washington, Frear of Pennsylvania, Jenkins of Connecticut, Scovell of Kentucky, Doolittle of Michigan and others, and I thought if we could get those men in touch with us and have them give us heart to heart their best views, how much it would enlighten us and strengthen our positions. We have also from time to time met these manufacturers in our offices; we have begun to regard them as men who are conducting the greatest of American professions, men who are not rascals, men who are not endeavoring to cheat the public, but men who in most instances are endeavoring to make their fortunes by supplying to the public the best that they can in their particular lines.

To-day before us we see them here and we hope that everything will be laid aside but the very best policy and that in these discussions we shall arrive at policies, form definite standards and definite lines of work on which we can continue next year.

THE REGULATION OF THE FOOD INDUSTRIES.

The first power granted the national congress after it was empowered to raise funds to carry on the national government, was the power to regulate the affairs of interstate commerce, that is, to regulate the affairs among the nation's citizens which affect not only the rights within the states where they arise, but in other states as well. The states, on the other hand, reserved to themselves the complete and sovereign control over their own internal affairs, and in respect of its internal police, the authority of each state is supreme and exclusive.

It is a plain and sound proposition that a food product which is adulterated or mislabeled, and which is intended for sale in a different state from the one in which it is made, should have its purity passed upon and its labeling regulated before it is shipped from one factory into thousands of stores hundreds of miles away from the point where it was made. In this respect, however, the United States Government has not enacted sufficient federal legislation. Our federal government has laws requiring the inspection of such animals as are to be slaughtered for interstate commerce sale: It has a law, under its power to tax, putting certain taxes upon white and colored oleomargarine, and thereby regulating its sale so that it cannot be sold for other than what it is. It has a similar law taxing adulterated flour, thereby causing the adulterated flour to be marked with the tax stamp. It has a law, which is one of the provisions of the Sherman anti-trust act, requiring that no food or drink product shall be misbranded as to the state or territory in which such product is made. It has a law in regard to the labeling of cheese; one of the provisions of the recent Grout bill relates to the labeling of

renovated butter. It has a general food law regulating the purity and labeling of imported food products, which, while a health measure, and which keeps out of our markets many foreign adulterations and frauds, serves to protect the internal frauds from competition. But a firm may adulterate the pure peppers and spices and other imports in whatsoever manner it will after they have passed inspection at the port; it may make its products out of whatsoever inferior substances it wishes, color them in any manner to deceive, put into them any antiseptic to any extent necessary to antidote any unwholesome condition which may arise before the substance is bottled and canned or after it is opened by the consumer; the firm may then label the product as being aged when it is not aged, as being genuine when it is a base imitation, as being pure when it is colored and preserved with antiseptics, and just so the product is labeled correctly as to the state or territory in which it is made, it can be turned into the intricacies of interstate commerce to be controlled by the state into which it goes, after it has been put up, after money has been invested in it, and then it is too late to efficiently and in some instances intelligently suppress or regulate that product's sale.

Our states, on the other hand, have good food laws, but we need a national pure food law to supplement them and thus, like a cap sheaf, perfect American food legislation. But some of the states have different laws from other states; the rulings under these laws with regard to food products, and the enforcement of these laws are not uniform. Manufacturers must label their products differently for each state, and with such a lack of uniformity we are not doing the good we could do with our state laws.

We have called you here, gentlemen who represent the manufacturing interests of America, to confer with us in the consideration of the best methods to protect your honest trade and to put purer foods upon the American market. Your industry counts for much in the whole industrial problem, for it is by far the greatest industry of the nation and of the world. There are, in round numbers, seventy thousand establishments engaged in packing and preserving and mixing and manufacturing food products, or twice the number of establishments reported in any of the other thirteen classified industries. These industries purchase, in round numbers, annually, one billion nine hundred million dollars' worth of substances, which they convert into two billion seven hundred million dollars' worth of food products.

The largest is the packing industry, where 921 wholesale establishments put out annually seven hundred and eighty-six million dollars' worth of meat products. Next comes the bread industry, where 25,252 flour and grist mills and 14,917 bak-

eries put out seven hundred and thirty-seven million dollars' worth of bread stuffs and cereal foods. Seven thousand industries distill and brew four hundred and twenty-six million dollars' worth of liquors and beverages. There are 9,358 plants producing one hundred and ninety-three million dollars' worth of dairy products. There are 862 sugar factories putting out two hundred and forty-eight million dollars' worth of sugar and molasses, and 4,297 confectionaries making eighty-one million dollars' worth of candies and sweetmeats. Four hundred and fifty-eight spice mills grind and roast seventy million dollars' worth of spices, pepper and coffee. Fourteen hundred establishments put out sixty-one million dollars' worth of pickles, preserves and similar food preparations. There are 1808 canning factories putting up fifty-six million dollars' worth of fruits and vegetables; 1800 vinegar factories make seven million dollars' worth of vinegar, 352 extract companies put out six million dollars' worth of extracts.

These seventy thousand establishments gather from all quarters of the globe every substance that will nourish, stimulate or please mankind's taste. They gather the products from the farm to feed the city, and take the staples into the country to season the foods of the farmer. They mix the fruits of Florida with the meats of Maine, and the diet of California with that of New York. They separate the wheat from the chaff, the cheese from the whey. They gather the cattle from the plains, the game and birds in season, and dress them and ship the meat in wheeled cold storage to every bill of fare. They seal up the summer vegetables and make the fruits keep, and make them more palatable with sugar and spices. They mix sauces and relishes to make foods palatable and to tempt lost appetites. They press the wine from the grapes, and brew beverages from the grains. They are applying the economy of organization, the best methods of cleanliness, the skill of scientists and the executive ability of industrial captains to the food problems, and men like Armour, Swift, Heinz, Spreckles, Price, and thousands of others equally worthy of mention, with the magnificent systems which they have built up for handling the different food products, stand among the most useful benefactors of the nation.

These industries handle the foods which the public must eat, and they should be regulated to the best good of the public. Their regulation should depend upon scientific investigation and well-studied laws, instead of probable policies; for, whatever is done, let it be remembered—we must eat and drink the results. The honest industries cannot successfully put out high-class foods if imitations are permitted to use their trade marks, imitate their natural colors, and to be labeled and branded so that the consumers are confused when they purchase. The

nation's health must be protected from careless practices, and from the use of injurious and useless substances, introduced into the food to make it appear attractive, keep longer and increase profits. Mankind's idiosyncrasies, tastes and right to a personal choice as to what food he shall eat must be considered. To afford this protection and conserve these rights it is necessary to put these industries under the control of the police power of the state, and the federal control over interstate commerce.

Our experiences with the food industries leads us to believe that the majority of them want to put up the best foods possible, want honest trade relieved from unjust competition, and want themselves to comply with the food laws; in fact, they are encouraging the enactment and enforcement of food legislation. We know that some of these industries have been driven into practices which they would gladly discontinue, by unrestricted, dishonorable methods of competition. We know that the industries are not all to blame, for the trade in many instances demands cheap articles, partly on account of the false ideas of economy among the people, and their desire to have upon their tables the delicacies, wines and other luxuries of their neighbor, and partly on account of the retail grocers' demand for an article which he can recommend as "just as good, but cheaper." In the competition for this trade the only standard in view has been how near can we come to produce something for nothing and still call it food.

On the other hand, we know and you know that there are industries whose trade depends upon violations of the food laws, and whose goods seek the easiest markets or the places where they are less likely to be prosecuted; who will assume the responsibility when a retailer is prosecuted for selling that firm's goods, and who change the style of their firm and the name of their brand as soon as the old firm and name incurs the disfavor of the trade.

However, the more we come in touch with the food industries which are working out the problems of food preservation and distribution, and in many instances of food production, not only for this great nation, but for the whole world, the more we are convinced that they are endeavoring in most instances to put out the very best products that conditions of production, distribution and trade will permit them to put out. We want a mutual confidence between these industries and the public. Confidence between the industry and the public forms the great part of the "delicate mechanism of modern business." The trade reputation of an industry, earned by costly and judicious advertising, and by a half-century's honest dealings with the public, should be considered before a prosecution is directed against a product

put out by that industry, the sale of which is only technically violating the law. Prosecutions in such instances should only be brought when conferences have failed at honest compromise, and the manufacturers can do much to encourage this attitude if they will seriously endeavor to remedy a product when it is admitted that it is adulterated or not labeled so as to show plainly to the public the fact and character of the adulteration.

We have before us, gentlemen, the serious subjects of antiseptics, artificial color, food standards and uniform state laws, uniform rulings and uniform labeling. We have been writing to each other for years through our attorneys concerning these subjects, we have fought over them from time to time in the courts, where every statement, misstatement, misrepresentation or exaggeration whatever that will help either side to win have been made, even under the oaths of evidence. Is there no common ground where we can both meet and stop this senseless fight, unify these different policies, and all work together for honest trade and pure foods? Can we not arrive at some conclusions where we are still debating, change our policies where we are wrong, and strengthen our positions where our laws are wise and justly enforced?

The food official's position toward some of these subjects is about as follows:

ANTISEPTICS.

It is a fact that the drug properties of the antiseptics used in food substances are injurious to health, and there has been no conclusive evidence on either side to show to what extent, if any, it is safe to use antiseptics, to show the exact instances, degrees and amounts they are injurious to health. These questions are still open and will remain open for a long time to come. The majority of the judges in the courts of science, after weighing all the evidence, are either handing opinions down against the uses of antiseptics, or they are unanimously decided that if they are to be used at all, that they shall be used under the restrictions of the plainest publicity.

In my mind the only way to get at the question is to ask in what instances can we dispense with the use of antiseptics altogether, and in what other instances can we remedy conditions so that antiseptics will not be necessary to antidote these conditions or preserve food products at all. The manufacturers have already solved this problem in part. They tell us that they can can or bottle the most perishable food so that it will keep until opened by the consumer. They also tell us that by the use of small packages they can protect the consumers against their own carelessness in exposing foods to conditions which should spoil the article after it is opened for use. It is evident that the use of antiseptics is necessitated, either by the careless exposure of the perishable product before it is bottled or canned, or by the further

exposure of the substance in unsealed packages on the market, or by the exposure to unclean or unwholesome conditions by the consumer after the food is purchased and the package opened.

I believe that this, and not the question of the harmfulness of the antiseptics used is the real question at issue, and I believe that we can restrict, regulate or prohibit the practicing of these conditions to such an extent that it will not be necessary to use antiseptics. Much greater feats have been accomplished by the magnificent systems are handling our food products than that of dispensing with the use of antiseptics, and whenever the public will finance the proposition by demanding pure and wholesome foods this feat will be finished, for it is already under way. Cold storage has been put upon wheels. Cleanliness in the care of food has been so specialized and made possible that milk can be produced and bottled under conditions which will keep it sweet for several days. Fruits and vegetables are not only being bottled and canned so that they will keep fresh for a year or more without the use of antiseptics, but their delicious qualities are preserved as natural as they were in the garden and orchard.

As to the regulation of the use of antiseptics in food products, our policy is about as follows, and we want you to freely criticise this position:

The prohibition of the use of antiseptics in all fresh foods, such as milk, oysters, fresh meats and fish, for their use lessens the extreme care, cleanliness and regulated temperatures that are necessary to put these products before the public pure and wholesome.

The prohibition of the use of all antiseptics concerning which there is any conclusive evidence that they are injurious to health in the quantities in which they are used or are likely to be used to preserve the food product.

Wherever else they are used, let the manufacturers tell, let the grocer tell, let the label tell that fact honestly, openly and plainly to the consumer.

ARTIFICIAL COLOR.

The enforcement of food laws has about stopped the use of poisonous mineral coloring matters, but the aniline dyes, about which there is as much difference of opinion as to their effect upon the system as in the question of injuriousness of antiseptics, are displacing annatto, cochineal and tumeric for coloring food products. The aniline colors have made the coloring and imitation of all food products very easy and cheap, and a very little bit of these colors produces a beautiful tint that will not fade. Some of them are regarded as harmless and some are not, and for this reason their use should be made known, so that the manufacturer will know the kind of color he uses in his product, and so that the foods in which they are used can be distinguished

from the articles whose colors are natural and pure. The injuriousness of the colors used is, however, a small part of the question, and there is no doubt that artificial color makes possible most of the frauds in the food business. Color covers defects, makes foods appear better than they really are, and changes sometimes the entire character as far as the appearance of the article in which it is used, and many degrees of cleanliness and care, and the proper selection of the products to be worked up can be dispensed with when artificial color is used.

The eye selects and passes the first judgment on what we eat. The eye, therefore, must be deceived before the imitation will be accepted for the genuine, and the very reason therefore that the public associate purity and quality with the color is the reason why they should know it if the article is colored.

STANDARDS.

We both need some definite standards for the purity and strength of food products. There was a time when foods were measured by the pint and pound, but these measurements must now be supplemented by the condition and quality of the substances sold in the measure. These standards should not only be national and uniform for all the states and markets, but they should be as international as possible. The work of suggesting and compiling these standards can best be left to the association of official agricultural chemists. In fact, this is not only the best, but the only scientific body to whom we can refer the work of determining what these standards shall be. This chemical association has appointed a committee, which is co-operating under an act of congress and earnestly trying to adopt the very truest standards for all food products, drawing upon the thousands of analyses at their command, making series of new analyses where needed, and submitting their findings to the criticisms of the trade.

It is a mistake to think that these standards will become fixed laws as soon as they are adopted by the commission, or by the convention, or by the commissioners, however much the state laws may unconstitutionally authorize the commissioners to make laws out of them. And it will also be a mistake to ask the legislatures to make laws out of them until extreme cases make it necessary, for in foods there will be many degrees of purity even above the fixed standard, and with the consumer there are many differences in diet and taste, and as many demands for different degrees of strength. Of course there is or should be no demand for useless adulterations and these can be eliminated by fixed standards. Too many statutory standards would have a tendency to promote the mixing and skimming of food products

to the level of a legal strength, at a sacrifice of the natural conditions of the product.

We want to know more about a food than that it is legally pure; we want to know whether it is Mocha or Java; we want to know whether it is a plum or a grape jelly; if the standard is 3 per cent of butter fat, we want to know how much above the standard the fat content runs, and a dozen other points of important information on which good milk depends. Would it not be better for foods to be sold by their own degrees of purity and food value, rather than attempt too much to have them conform to a legal purity? There is a wider range in the required degrees of strength for foods than in drugs, and it is impracticable to require a set strength for foods like is required for drugs. Many qualities go to make up a food product,—food value, flavor, color and digestibility, and it is impossible to legislate the proper standards for these qualities. Therefore it is better, it would seem, to prohibit injurious substances in the manufacture of food products, require publicity to be given to all doubtful methods in the preservation and packing of the product and to all methods that might tend to deceive the public as to the exact character of the article, and require that more specific information should be given the public regarding the true condition and individual standard of the product offered them as food. It may be possible to legislate standards for the staple articles of food, but never for the thousands of mixtures, compounds and prepared food substances upon the market.

UNIFORM LABELING.

The problem of uniform labeling shows that there are many adulterated articles of food to be labeled. The lack of uniformity is then due first to the fact that some label is required to show some deficiency in the article offered for sale; then to the differences in statutory specifications, differences in the interpretation of the commissioners when it is left to them to interpret and where the statutes are otherwise the same, and to the tendency among the manufacturers to evade the labeling provisions of the law, by placing the information which the law requires shall be made public in as obscure language and place on the package as possible. As long as goods are adulterated, imitated, cheapened, misbranded and mislabeled, there will be a necessity for statutory labeling, and as long as the manufacturers try to avoid the effect of the publicity which a plain label would give to the exact character of their goods, so long will there be differences of opinion as to whether the label complies with the law or not. The question will only be settled, and the manufacturers relieved from having to label differently for each state when they stop calling a substance butter, or pure fruit jelly, or vanilla, lemon, plum, peach, apple

and pure when it is only an imitation, or in some manner cheapened or adulterated. And when they put their products upon the market upon the reputation of the food value of the article itself, the labeling proposition will disappear.

The labeling controversy has its roots in the trade mark controversy. The courts have enunciated opinion after opinion that no infringement upon another's trade mark will be allowed where the resemblance is such as to deceive the public where it uses such general care and observation as the public generally is capable of using. A long train of decisions have established the principle that a man is not to sell his goods under the pretext that they are the goods of some one else. At first the courts were slow to recognize the fact of injury to the public as an element of damage, believing that something more than a general wrong should be alleged to warrant the stretching forth of the judicial arm. *But judicial notice was soon taken of the fact that the public should have the same protection in the use of the article as the manufacturer has in its sale.*

Trade marks are in many instances meaningless, for the firm may have no established reputation; there are also thousands and thousands of brands of goods upon the market and the public have a right to demand that such specific information shall be given them about the foods they are to eat as will give them correct ideas about the methods of preservation, character of the color and food value of the article sold them. And in contending for this right they should demand the same plainness as the manufacturers have insisted upon to protect their trade reputations from infringement.

DISHONEST COMPETITION.

Unrestricted competition is the cause of the great number and variety of fraudulent adulterations, and this is the great evil which we are seeking to control in the enforcement of the food laws.

The French Senator Jobard said: "The age of hunters is succeeded by the age of shepherds, the age of shepherds by that of the cultivators, and we have entered upon the industrial age, but we enter thereon as foragers. We have free course, but the domain is still without hedges, without ditches, without enclosures; each encroaching upon his neighbor and kills him if he be the weaker; all means are good,—trickery and theft, ambush and violence. It is a conquered country, without laws, without rules, without magistrates, where capers the disheveled anarchy that certain sophists decorate with the title of free competition."

Much has been done and is being done to effectuate the desire of Jobard's heart. The nations have made many treaties and have called conventions to consider the protection of the fruits of intellectual labor and the enterprises of the manufacturer and the merchant. Mutual confi-

dence is being established. Every act of trade, some almost boundless in extent, is especially founded on confidence. Bits of paper on which are certain signs, hourly convey millions of dollars or bind transactions of the greatest magnitude into contracts. The courts have enjoined the strictest observance of these confidences; and upon the same principle, to the same extent, and for even a greater necessity, the people are demanding that the confidences upon which their health depends shall be respected.

Our republican institutions should guarantee an industry the right to sell where it pleases, to buy where and what it wants to; but in the enjoyment of this freedom the health and rights of the public at large demand that it shall be enjoyed under the restrictions of commercial honesty.

America's industries are the marvel of the century and yet they are only at the beginning of their greatness. There are vast American fields yet unsown from which to command an increased production of an hundred fold; the skill of their labor is unsurpassed, its tools the best, and the far-reaching minds of their dauntless leaders command the applause of the industrial world. "I steal no victory," was the motto of the man who conquered the world with his armies, and it must be the motto of our "captains of industry," as with unrivaled skill and unequalled energy, as with the highest standards of purity and products of guaranteed quality they make the industrial conquest of history in every port and market of the world of commerce.

PRESIDENT BAILEY: By the request and with the consent of Professor Shepard, his paper on the subject of Antiseptics in Food Products has been transferred from to-morrow afternoon to this afternoon, and Professor Shepard will appear on the program this afternoon instead of to-morrow afternoon.

Mr. L. M. Frailey, representing the Joseph Campbell Preserve Company of Camden, N. J., and chairman of the Executive Committee of the Association of Manufacturers and Distributors of Food Products of the United States, will now discuss Mr. Allen's paper.

MR. FRAILEY'S ADDRESS.

MR. FRAILEY: Mr. President, and Ladies and Gentlemen: To express the practical views of the manufacturer on the subject of food question, I would state that I am here as the representative of an organization of twenty-eight concerns in our particular line who are manufacturers of food products, and I naturally, in view of that fact, must make my remarks from the standpoint of what is of interest to the manufacturer of food products. The evolution of events has placed the manufacturer of food products today in a position whereby he is the main source of the supply of food products for the masses. I

do not think that the statement would be an exaggeration if I said that seventy-five per cent of the food that is consumed is manufactured by the various parties who are engaged in packing food products, and outside of the agricultural districts, that is to say, in the mining sections, in the milling sections, in the lumber camps and in the large centers of population, they are almost entirely dependent upon manufactured food for their supply.

Your secretary, Mr. Allen, has read you a statistical report of the vast interests involved in this business. He has given you the figures to show the amount of capital invested and the amount of food products produced by these manufacturers. We feel that a commercial interest of such extent should be considered very seriously, not only in the passage of any food laws regulating the industry, but in the enforcement and interpretation of those laws by the Food Commissioners of the various states. We do not ask of you gentlemen anything that we think is unreasonable. We ask you to look upon us reputable in a certain sense, and I assure you that a large majority of the manufacturers of the United States, those engaged in the preparation of foods, are reputable people and men of standing and decency. I believe that the existence, the continued existence, of any manufacturer of food products largely depends upon the improved methods that he uses in the preparations that he puts up. My own experience in our own plant, and in that of some others that I have visited, indicates to me that the highest sanitary means have been used in connection with the preparation of manufactured food products. It is not the fact of an initial business being done on a product and the article put out to be sold at once, that a manufacturer can establish a reasonable business or hope for profitable returns on his investment; it is upon the repeat business that comes to him that he recoups his initial expense, both as to the conduct of his plant and as to the necessary means of introducing an article of a special character, the large advertising appropriation which he must lay out to bring this article to the notice of the public, and he would be foolish if he did not throw such safeguards around his enterprise as would protect that investment and bring him a profitable return.

It seems to me that the leading questions at issue between the Food Commissioner and the manufacturer are covered by the three points that Mr. Allen particularly alluded to. The prime one to be considered is the use of preservatives in food products. We claim that such articles as ketchup, jams and preserves cannot be prepared for commercial use without the use of a certain percentage of some kind of preservative. I do not know that any of us are wedded to the use

of any particular antiseptic. I do know that in in the east nearly all manufacturers are using benzoate of soda, simply because we regard it as the least objectionable from the amount of research and investigation that we have made; but if your chemists in their examinations and searches in the realms of science can discover or will discover something that will produce as good results as benzoate of soda, and will give it to we manufacturers, we assure you that we will be glad to adopt whatever you give us in the way of a preservative.

You tell us that we cannot use a preservative. We tell you that we cannot put these goods up for commercial purposes without its use. It is simply a question of harmonizing these two divergent views and opinions and experiences, one of theory largely, the other of practice. It depends upon this whether we can continue in the manufacture of these articles for commercial distribution, or whether we shall simply cut them out of our line and divert our capital and our investments to some other method of producing results.

The amount of preservative used in these food products is infinitesimally small compared with the bulk of the manufactured article. We claim that it is impracticable even though we admit food products can be prepared without the use of preservatives, which we do admit and which we know has been done, but we insist that it is impracticable for a manufacturer to prepare these products in this way for the reason that the season for the packing of fruits and vegetables is so short that we could not put them up in sufficient quantities, in many of the articles, for the needs of the trade during the interim between one fruit yield season and another. Besides, it would be impossible to tell in what shape or form we would put these goods up. Take ketchup, for instance. We cannot tell whether the demand for ketchup is going to be in gallon jugs, half-pint bottles or pint bottles. We cannot tell whether jams and preserves are going to be called for in one pound cans, one pound jars, three pound jars, or in pails or buckets. If we put up a lot of goods in jams and put it in one-pound tins, the irony of fate would decree that everybody would want these goods put in glass that season, and therefore it is impossible for us to gauge what the demand for any container is going to be or what the variety or assortment are going to be demanded by the dealer and jobber, and through him the retailer and consumer.

We further believe that in view of the experiments that are now being made by our honored friend Dr. Wiley of the Department of Agriculture, and the uncertainty that exists from the various views and opinions of experiments and tests made by chemists, that you gentlemen will

admit that there is as much contra testimony as there is positive testimony as to the harmfulness of preservatives, and until Dr. Wiley has concluded his examination, his tests and experiments, that you should yield something to the vast interests involved in the manufacture of food products. And if, after his tests are made and completed, any conclusion is definitely reached that preservatives are harmful to the human system, we will have nothing further to say and will simply bow to the decree of superior wisdom and are willing to stop, but in stopping, unless something is found as a substitute, or some improved method which our experience and research has not developed, we cannot go on making the articles for commercial distribution that I refer to.

An idea seems to be extent amongst some of you gentlemen that preservatives are used for rejuvenating deteriorated or defunct food products. If such a thing is in vogue amongst any manufacturers I am not aware of it. I certainly do not think that such a thing is possible.

Another idea the public seems to have is that preservatives are regarded as a necessary constituent of canned goods. Canned goods do not require a preservative. We freely admit it, at least those gentlemen who are associated in the organization which I represent. We depend in putting up canned goods, those that are put in tin, entirely on the sterilizing process of steam through the vacuum created in the can.

Another point that I wish to refer to is, in listening to some very entertaining remarks made last evening by Dr. Ladd of Dakota, if I do not misquote him, and if I do I hope he will correct me: I understand him to say that in view of the unsettled condition of the conclusion on this question of preservatives, that he should rule against them until such time as they were regarded and pronounced as harmless, in which event he was willing to change his views.

MR. LADD: That is part of our law, and until that time I said I should enforce the law and then I should ask the legislature to make a change in the law.

MR. FRATLEY: I was going to say, if I had quoted Dr. Ladd correctly, it put us in the position of being regulated rather under the principle of the French practice of law than that applicable to the Anglo-Saxon countries. There I understand a man is always considered guilty of an offense until he is proven innocent, and it has been my understanding in regard to American law the reverse obtains and a man is always considered innocent until conclusive evidence of his guilt is produced. By this I mean to say that as no conclusive evidence of the harmfulness of preservatives in food products has as yet been submitted, I feel you are hardly giving us the show a manufacturer should have in prohibiting, ab-

solutely prohibiting its use. If it is necessary under restrictions until this question is solved, to use preservatives, we are willing for you to have us make it disclosed by stating the fact that this article is preserved with benzoate of soda or any other article that may be used in its preparation.

The question of colors is another important subject in regard to the preparation of food products. There are a number of colors, as Mr. Allen has outlined in the very able paper he has just read, which have been used and gone into disuse and other colors have taken their places, but we believe there are colors that can be used that will be unobjectionable. In using color in a preserve it is not for the purpose of making the color of a fruit any higher than it originally was or any more attractive than it originally was, but simply because in the preparation of some of these fruits we have no positive color unless we artificially supply it. If you take a can of strawberries that has been put up as we would do it to prepare these jams and goods for use in the winter time it would be a very distasteful mess to you. I hardly think you could put them in any grocery store and expect the customer to purchase them. If we put them in glass it would be worse. The first sense the purchaser uses is his sight, and it is necessary to have them in such shape that they will be pleasant to that sense. Anything that is unpleasant to the sense of sight never has the opportunity to test the sense of taste or palate.

On the question of labeling I do not think that the food commissioners and manufacturers would be very far apart upon conference. We do not wish to put food products on the market and mislabel them or misbrand them. We do not wish to put a compound article on the market without giving some notice on the label to the consumer that the article is not strictly fruit and sugar, but that it is a compounded article. We do not even object, as I said, in the matter of ketchup, to naming the preservative that is used, but we do take some exception to naming the quantities in which the various constituent parts are used, because it is practically giving the formula of our factory to the world and to our competitors, and I do not think that a law should be made that will compel the disclosing of a man's private, internal affairs of his business.

There is one more subject I wish to refer to, and that is the interest of the manufacturer in the passage of a National Food Law. The organization that I am here to represent has taken part in the agitation for the passage of national food legislation actively for the past five years, and its members individually have been engaged in this agitation for many years prior to that time. I personally had the pleasure and honor of being

on the executive committee of the Pure Food and Drug Congress for two terms with Dr. Frear, who was the chairman of that committee at the time, and I attended its sessions with a great deal of interest. I had hoped that long since some national legislation on the subject of pure foods would have been enacted. Last spring our organization opened a bureau in the city of Washington for the purpose of furthering and aiding in every way that lay in its power, the passage of the McComber and Hepburn bill because we thought it was the best bill that had ever been offered, because while it was not perfect, it covered many of the essential points we wanted and were willing to live up to. I believe from information I had personally there and through the representatives that we had that were stationed there for a period of five or six weeks, that had it not been for legislation of a political character, the Statehood bill principally, we would have got that through the Senate as we got it through the House. I have been personally assured by Mr. McComber after the adjournment of the last Congress that the first work of his committee on the resassembling of the next Congress would be to take up this pure food bill and report to Congress with a recommendation that it be passed. Mr. Hepburn's position is identically the same, and I wish to state in a few remarks the position of our organization on the subject of national pure food legislation.

We believe that the law should represent all the interests involved. It should not be drawn by any star-chamber proceedings, but should be as nearly as possible a consensus of opinion of all interests concerned. It does not seem possible that a law could be just to all parties if drawn alone by the manufacturer, by the wholesale grocer, by the retail grocer, by the board of health, by farmers' organizations or by a pure food commission. Those who are to execute the law should have the least, really, to say about it. You might imagine the position in which our judiciary might be placed in passing upon and making rulings upon a law if they were the framers of that law. A food law, by its powers, should make graft, corruption and persecution an impossibility. The bill known as the Hepburn and McComber bills are the result of long years of careful study, full discussion, and light has been had upon them and they represent that which we regard as possible to become a law under present conditions. These bills have, I believe, from what I have gathered personally, and what information has come to me from other sources, a prospect of becoming law at this next session of Congress provided some stumbling block is not put in its way in the way of additions or alterations to it or amendments of such a character as to change the minds of the members of

Congress, who last session expressed themselves in favor of its passage.

All the great interests, I believe, stand pledged, or largely so, to the passage of these measures. The Department of Agriculture, under which this bill would come, is already charged with the execution of pure food bills, and the passage of the Hepburn and McComber bills would but supplement the powers that they now have and make more efficient the work that is now being done.

This is about the substance of the position my organization has taken on the matter of national food legislation. I have about covered and outlined the subjects that I wanted to bring to your minds, and as a number of gentlemen are here for the purpose of discussing these problems, I am glad to yield the opportunity. I thank you very much.

PRESIDENT BAILEY: The subject is now open for discussion. Are there any questions that you wish to ask?

MR. ANKENY: I would like to ask the gentleman a question: I understood him to say those who execute the law should have the least to do with the making of it, and if that is true, what he had reference to—whether the idea was that the Food Commissioners should have nothing to do with making the laws pertaining to the purity of food.

MR. FRAILEY: I will state that my intention in making that comment was, I did not think the State Dairy and Food Commissioners should prepare absolutely a bill of their own, made in their own body, from their own views and ideas.

MR. ANKENY: Did you not say they should have the least to do with the making of it?

MR. FRAILEY: I did.

MR. ANKENY: I would like to know, Mr. Chairman, who on the face of the globe should have to do with the making of the law when we are the ones who are expected to give the people whom we represent the aid and protection that there is in a food law.

MR. MCPHERSON: If that were true you never would have a pure food law that would be of any use to the consumer. It is the Dairy and Pure Food Commissioners that educate the people at large. That is why they gather together in a meeting like this, that they might be right on all things, if possible, and that they might be able to educate the people with whom they come in contact in their states every day in the year, and I think the gentlemen will find that the Dairy and Food Commissioners, while they may not make or have anything to do with the drafting of the law, are the ones who will mold the sentiment that will crystallize in a

National Food Law, and who cannot be ignored.

MR. HEINER: I am hardly satisfied with what has been said on this important question and I would like to ask that two or three of the leading men of this association be requested to say a few words on this matter. I would like to hear Mr. Doolittle's views, and also our friend from Ohio.

MR. GURLER: Just a word. I believe the gentleman over here on the left whose paper we are discussing will certainly admit that there is no one that is better qualified to prepare and offer amendments to a pure food law than the commissioners, if he is going to exclude them from framing the law. It seems to me that their position fits them eminently to discover the weak points in the law and to help out in the way of amendments, to say the least.

MR. JONES: We do not want to get away from the main point. I want to say to the gentleman right now, and to any of these manufacturers, that they need not be uneasy about any commissioner getting through such a law if they have a legislature such as we have in Illinois. It seems to me that they would consult the manufacturers more than the food commissioners, but I want to keep as near the line as possible, and then take up the question. I would like to hear from all these men first, and then they can hear from us.

PRESIDENT BAILEY: The next is a paper prepared by Dr. V. C. Price, which I will ask the Secretary to read.

MR. GROSVENOR: Mr. Chairman, I am not satisfied with letting this matter stand where we are now.

PRESIDENT BAILEY: If there are other gentlemen who wish to discuss this it will be taken up afterwards. We are not through with the subject yet.

MR. GROSVENOR: As I understand it you are about to pass from this subject to another paper.

PRESIDENT BAILEY: No, we are still continuing the subject. Dr. V. C. Price, President of The Price Flavoring Extract Co. and Price Tryabita Food Co., is the next number on the program, but is not here. He has sent a paper which the Secretary will now read.

MR. GROSVENOR: Is that not on a different subject?

PRESIDENT BAILEY: No, it is right under the same heading. The Secretary will now read Dr. Price's paper.

MR. ALLEN: Dr. Price has been a warm friend of this association in all of its efforts. He accepted an invitation to come up and address us, but is sick, and as I understand it from his sick chamber he has dictated these

sentences, containing some of the strongest and best ideas I have ever heard. He says:

ADDRESS OF DR. V. C. PRICE.

This is a commercial age. From all sides, sneeringly, energetically and triumphantly it has been proclaimed until it has become a truism. Commercialism rules, and why not? History should find in this age as much of honesty integrity, knowledge and progress as in any other age. It is impossible to refrain from reiterating the power for good which is in the hands of the members of the national association, or confirming the evidences of advancement already made. The manufacture of food products, *one* of the greatest, if not *the* greatest factor in commerce, has been elevated by this association until it has come to be classed by many as among the professions. This is as it should be. Humanity depends upon its food. It advances mentally, physically, morally according to what it eats. Its progress is virtually in the hands of its food manufacturers. They should feel the want of their responsibility, the honor of their calling, and be made to recognize the power to legislate against ignorance, carelessness and dishonesty.

A few years ago the flavoring extract was considered a luxury, used by a few. To-day it stands as one of the household necessities, entering largely the daily diet. In no food product is there a greater chance for adulteration than in extracts, or a better opportunity for the skill and knowledge of a chemical expert. Much has already been said concerning the manufacture of flavoring extracts. Much remains to be said before the subject is exhausted. What seems most necessary just now is to point out the possibility of their manufacture, as pure with an increase in strength, wholesomeness and economy and their manufacture, as adulterated, which renders them injurious to health, unwholesome and impure. A safeguard to the manufacture of the pure article, is a careful discrimination between the words, "extracts," "essences" and "mixtures" or an insistence upon the proper labeling so that "those who run may read."

Lemon extract, which, with vanilla, forms the staple extracts on the market, is one with which every housewife is conversant, and yet few appreciate or understand the extreme care required in extracting the essential oil, a distinct commercial article. The oil is extracted from the peel by two methods—the hand or cold process, which is both expensive and laborious, and the distilled process, which liberates the oil by rubbing the lemons on a coarse grater, after which the peel is distilled. In the first or hand process, it takes one thousand lemons and two days hand labor to extract one pound of oil, but the result pays, for the essential oil obtained has the natural yellow color and a powerful lemon odor. This,

in combination with the peel, makes a strong, effective extract without the necessity of aniline or coal-tar dyes for coloring purposes, or oil of turpentine for cheapening, for in strength there is economy.

In regard to vanilla, the first consideration is in the bean. There are, as you know, vanilla beans, and vanilla beans, differing in quality and commercial value. There is no flavoring extract in the market more delicate, agreeable to taste and universally used than vanilla. Good extract is impossible unless the best Mexican vanilla beans are used, properly cured and aged, the flavor and natural color extracted and allowed to stand for at least one year to mature. A distinguishing feature of the pure, true extract is that it has not a decided taste or smell as compared to the strong rank smell of extracts made from the inferior bean, or vanillin or coumarin substitutes. It does not deteriorate with age but is improved by it, which is impossible to the fraudulent articles called vanilla.

Casting aside all ideas of a business or sentimental purpose, looking from a purely hygienic standpoint (and here business and sentiment are allied) the people of this or any country are best protected by an insistence upon pure food products, by the condemnation or extinction of fraudulent articles, fraudulently labeled; by the careful investigations of skilled commissioners to prevent deception and fraud, and by legislating, if necessary, against the use of all and every deleterious ingredient in food products.

PRESIDENT BAILEY: Mr. Doolittle will be the first to discuss this subject.

MR. DOOLITTLE'S ADDRESS.

Mr. Chairman, Gentlemen of the Convention, and Ladies: I really think this subject of flavoring extracts is getting away from the first subject that was under discussion; at least, I expected to discuss it in an entirely different way.

Flavoring extracts, of course, are of two kinds principally, that of the lemon extract and vanilla extract. I had rather thought I had been put on for this discussion because of the agitation of the lemon extract question that we have had in Michigan since our last meeting. A year ago at Portland I was on the program for a paper on the subject of flavoring extracts, and in that paper I gave a brief notice or account of the work we were doing on the subject of flavoring extracts, having collected a large number of lemon extracts and submitted them to analysis and the result of the same. Soon after that, last fall, we started in court to try and enforce the pharmacopoeia standard of five per cent of lemon oil for flavoring extract of lemon. We had as the defendant one of the principal manufacturers of so-called turpenless extract of lemon in the United States. When we came into court we were con-

fronted by expert witnesses of the very highest character. They had gentlemen from the University of Michigan and from the University of Wisconsin who were authorities on essential oils, and they also had gentlemen who were authorities in the manufacture of flavoring preparations. The case was submitted to the jury who brought in in a short time a verdict of guilty. The case was appealed to our Supreme Court for brought in in a short time a verdict of guilty and a final disposition. In this case it might be well



DR. R. E. DOOLITTLE,
Michigan State Analyst.

to remark that the defendants made the claim that their preparation was a superior article to the five per cent solution of lemon oil. I do not suppose their process of manufacture is secret, or anything of that kind, in speaking of it in a general way; they were using a diluted alcoholic solution of about 30 per cent and taking a little over about five per cent of lemon oil so that they had about 56 pounds to the hundred, and by shaking this up with the diluted alcohol solution for a long time, several days, and then filtering through magnesia they claimed to have removed from the lemon oil the flavor properties. As you are all well aware, no doubt, a lemon oil is not a single substance, but is really a mixture of a large number of substances, some of which are known and a large number of which are not known, but one of the principal substances of lemon oil is citral, the large content of the lemon being the hydro-carbon, which constitutes 90 per cent of the oil. They claimed they removed only the flavoring essentials, and they claimed that the

hydro-carbon, the oily portion of the product, was a disadvantage because it was liable to cause the extract to deteriorate, especially on exposure to light or air, and also that it prevented the use of the extract in water solution, as for instance in summer drinks, soda fountain preparations, and so forth, that the oil and water would not mix and made a milky solution. We maintained that the law upheld the United States Pharmacopoeia as the standard for lemon extracts. The Circuit judge in his charge to the jury said that the legislature, in passing the pure food law, evidently had in mind some standard for practically all food products that were not provided for by special statute. He probably took this inference because we have under our drug law in the state of Michigan a law which states that the United States Pharmacopoeia shall be the standard for the preparation of all pharmaceutical preparations. The Supreme Court in their decision on the case sent the case back for retrial on the ground that the judge erred in his charge in that respect. They said that the judge in his charge should have said that the legislature did have in mind some standard and this formula in the United States Pharmacopoeia was the standard, but if any manufacturer by any other improved process could obtain from lemon oil all of the essentials that were necessary for the flavoring or they said, for the food value, the sale of such a preparation would not be in violation of the food law. We made our preparations to go back and try it out on this line in the Circuit Court, in order that the matter might be settled. The case was to come on for trial on Wednesday. On Tuesday, just before noon, we received a telegram from the prosecuting officer of the county saying that the defendant had gone in and pleaded guilty. He stated in his plea of guilty that he had had the extract analyzed, or this brand of extract, and found it was inferior to the standard that has been laid down by the Supreme Court, and therefore he entered a plea of guilty. So you see the matter is not settled in our state. In fact, we are in rather a peculiar position in regard to these turpenless extracts. So far as we can interpret the decision, which, by the way, nearly every person we have consulted has some little difference of opinion upon, it really places ever single brand of extract that is sold in our state upon its own merits. Of course, if a lemon extract is manufactured by the United States Pharmacopoeia formula of five per cent lemon oil it complies with our law because it is the standard and has been so declared by the state Supreme Court. If it is manufactured from lemon oil and does not come up to that standard, that is, if they use the whole oil and it does not come up to that standard, it would be a violation; but the turpenless extract manufacturers of our state admit that

they cannot extract from lemon oil—that they cannot take a five per cent solution and by alcoholic solution remove the citral and other ingredients that give flavor to the oil, they cannot remove five per cent, but they say they can remove at least half and therefore if they take at least ten or twelve per cent they consider that from the increased amount of oil used they get a sufficient amount of flavoring to make up for the amount of loss, and that is the proposition that confronts us at the present time. The chemists present will all recognize the difficult position the chemical department of the state is put in, because there are no accurate methods of estimating the citral contents of alcoholic solutions of that kind.

MR. ANKENY: May I ask a question right here? Do you know what use the manufacturers—you say they would take about ten ounces; do you know what use they make of that portion of the lemon oil which is rejected?

MR. DOOLITTLE: Yes, we do. This matter was of course thoroughly gone over in our case. In our trial the fact was brought out that the defendant bought his lemon oil for 70 cents a pound from brokers in New York City and sold it back to brokers in lemon oil. After he had extracted his portion to make lemon extract he sold it back to them for 30 cents a pound, and his loss was about ten per cent in that amount. Now what the brokers in lemon are you probably all know, and we also had testimony from bakers who said that they preferred this residue from the manufacturers of the turpinless extract for flavoring purposes in the manufacture of cakes and other bakery goods. It is used commonly by them. They put it up in alcoholic solutions, too, very strong alcoholic solutions, and they claim they sell it out at one-quarter the strength of pure lemon oil.

As I was going to remark, the Supreme Court also passed upon the question of color, and they held that under the provisions of the food law if the extract contained five per cent of lemon oil or, in other words, complied with the food law, that the addition of a harmless coloring substance was not in violation of the provisions of the statute, because it did not cover up any inferiority or add any increased value in any way.

I do not know that there are any other features of the case that I care to discuss, but I will be glad to answer any questions.

MR. LABACH: There is one point about flavoring extracts which I wish to refer particularly, and that is the color question. Most of the extracts found upon the market are more or less brilliantly colored with dyes representing all the colors of the rainbow. This has become so customary that many do not know what the real color of these articles is.

I have often seen a purchaser come into a grocery store to buy a lemon extract and when shown two or three brands would almost invariably buy the highest colored one if left to his own choice. He would do this under the impression that the deepest or most brilliantly colored one was the strongest. I have seen brands well known for their strength and purity refused because they did not look as good as some others in the color. It is the impression among a great many that the depth of the brown color of vanilla has something to do with its strength. This is true of genuine extracts, if a very weak extract is compared with a strong one, so the manufacturer colors his weak or imitation extract so as to deceive the purchaser, that is giving a false impression as to its strength by the use of color.

True lemon oil extracts are nearly colorless, as are the uncolored imitations. Then why should a color be used? There is a plausible excuse in the case of foods and drinks that must please the eye as well as the palate, but extracts are not used in quantities sufficient to color the articles of food in which they are used. Then what is the use of coloring matters? It only has an effect upon the buyer and does not have a chance to please the consumer of the food in which it is used.

I believe extracts should be labeled what they really are, and when they are labeled "True Extract" or "Artificial Extract," or "Imitation Extract," as the case may be, I do not see how the use of color would be of any advantage. Its only purpose would be to give the purchaser a false idea of its value. I might add that I think this turpinless oil of lemon should be so labeled as to distinguish it from oil of lemon. Some think it is equal to true oil of lemon in flavor but it has been my experience that it is not, at least, I have not seen a sample of turpinless oil of lemon extract that was equal in delicacy to the true oil of lemon.

MR. SCOVELL: Mr. Chairman, I understand that there are some more gentlemen to discuss this subject of flavoring extracts, and I would like to make a motion that the subject on which Mr. Frailey spoke be taken up.

PRESIDENT BAILEY: I think we are through now, as the others that are on the program are not here.

MR. SCOVELL: I want to say only a few words in regard to the question of whether this association or any of the members thereof should have anything to do with making a law. I rather think he stated that in a peculiar way and in a way I think that probably he did not mean it. Certainly the members

of this association, and certainly every commissioner, has a right to ask the passage of any law, and I think he has a right, as commissioner, to suggest. A commissioner is not a judge. He is more in the nature of a prosecuting attorney, as it were, and all the commissioners ought to, and by right should allow the groceryman or parties connected with the manufacture of food products to have their say in regard to any pure food law, national or otherwise, and so those having in charge the execution of the law ought to have something to offer, and it may not be in all cases that men see the thing clearly, but they certainly have a right to have something to say about it.

I do not think it would be judicious, I want to say this frankly, for this organization to present a certain bill before Congress. I think they ought to present the principles of a bill. I do not think it would be judicious for any organization, grocerymen or any other men, to draft a certain bill and go in to Congress and ask for the passage of that particular bill. I think they should simply ask that the principles of a pure food bill be offered and that Congress should take them up, and I think it would be proper for us to pass a resolution in this association saying that we believe a national pure food law should be passed by Congress speedily, that it should be a cap sheaf, as it were, to our state pure food laws, for the purpose of unifying them and for the purpose of inter-state commerce, and therefore I for one must say I think the statement of the gentleman preceding me is out of harmony with my views.

MR. HUTCHINSON: I would like to have Mr. Frailey's remarks on that subject read. I understood him to say that the commissioners of the different states should not be consulted in regard to the formation of pure food laws. I did not think any one would make a statement of that kind.

PRESIDENT BAILEY: The reporter is looking it up and will have it in a minute if you will give him a chance.

MR. HUTCHINSON: Mr. Frailey says that is about the statement that he made. Coming from a state that has had a pure food law since 1895 and having conference and dealings with manufacturers from all over the United States, it is surprising to hear a statement of that kind made, because when these questions are taken up they always consult the Dairy and Food Commissioners of the different states with regard to their experience in what they are doing on different lines, and we have been called into these conferences of the Pure Food Congress and consulted. I had the honor of being on the sub-committee that framed the first law

and took part in their deliberations, and now that the manufacturers have come up here and want to bar the pure food commissioners and their chemists and those who are educated on that line is somewhat surprising to me to-day. The pure food commissioners of the different states and their chemists are the people to-day who I think are the best posted on this question, except, perhaps, Dr. Wiley, and that these manufacturers should come in and say to us: "Stand aloof; don't protect the people!" is a surprise to me, from the experience we have had in Pennsylvania. We have been trying to educate the people, trying to have pure food, trying to keep these people over in New Jersey right, and I will say in that state there are reputable dealers; what troubles us most over in Camden is the oleomargarine that they get over there and send into our state and other states. But I hope we will not get up a controversy at this time or drift away from this subject. We had a rock upon which we split some years ago down in Washington between the chemists, and it would be an unfortunate thing at this time if they would ignore the dairy and food commissioners in the formation of a pure food law. Down in Pennsylvania we are pretty near able to take care of ourselves on this question. We have litigated this out in the higher courts and have been sustained, but we want to see a pure food law and we want it to come in such a way as the people will have something to say in the formation of it, not that we want to oppose the manufacturers at all. We want these people to make good, pure foods, things that are not injurious to health. If they will use coloring matter it should be something that is not injurious. We have allowed some of them to use borax and boracic acid, which we are afraid was a mistake, but the legislature says differently.

Now let us be careful in this matter, and I hope Mr. Frailey will withdraw his remark.

PRESIDENT BAILEY: Your idea is that a little practice is worth a good deal of theory.

DR. WILEY: Mr. Chairman, allow me to make a remark. It seems to me that what Mr. Frailey said did not have any reference at all to this association. If I understood his remark, it was that those who were called upon to enforce a law should have the least to say in regard to its making.

MR. FRAILEY: That is what I intended to say, exactly.

MR. GROSVENOR: I understood that he was talking about a national pure food law at the time, and of course we had a right to assume that. I do not think the gentleman meant what we understood him to mean.

DR. WILEY: I would like to ask Mr. Frailey

if he was not talking about a national pure food law?

MR. FRAILEY: I was, and Dr. Wiley has expressed the idea which I intended to convey to you. Either I poorly expressed it, or you gentlemen misinterpreted my expression.

DR. WILEY: It seems to me that has no bearing on any part this association may take in the enactment of a pure food law, because this association has nothing to do with its enforcement. That is left entirely with the Department of Agriculture, and as I understood his remark, it applied to the Department of Agriculture and what it should have to do with this law. If I am mistaken in that I beg Mr. Frailey to set me right.

MR. FRAILEY: I did not catch what you said.

DR. WILEY: I said that what you stated in regard to the persons having the enforcement of the laws having the least to say in regard to the making of them referred to the Department of Agriculture, which department would have in charge the enforcement of any national pure food law that might be passed.

PRESIDENT BAILEY: I think among the commissioners the drift of the sentiment has been when a national pure food law was enacted the states, so far as possible, would copy that law.

DR. WILEY: It still would be a national law.

PRESIDENT BAILEY: It would be a state law that the nation had prepared originally.

DR. WILEY: I have been in close touch with the Secretary of Agriculture ever since the law has been prepared, and he has been very particular himself not to recommend to Congress a single clause. There is not a single word in these laws that have been considered by Congress that has been dictated by the Secretary or anyone in his department, and he has instructed us particularly when we were called upon by the committees of Congress, to express our views but not to offer ourselves, or in his name, any proposed legislation, and as I understood Mr. Frailey's remark it applied to that attitude of the Department of Agriculture, that it should have the least to say, if charged with the execution of the law, as to what it should be. That is the attitude of every cabinet officer. The President alone has the right to recommend to Congress legislation of this kind, and the making of recommendations, unless they are asked to, by anyone else, is entirely beyond the pale of the law. My opinion is that the Department of Agriculture should have the least to say of anybody in regard to what a law should be which is charged to them in its enforcement unless called upon particularly by the committee for advice in the matter,

and that is the attitude which I can say to you the Secretary has taken. He told your committee last spring when you were before him, "Gentlemen, I want a pure food law; I am not dictating what it shall be, but I want a pure food law." That is his attitude, and I believe the Secretary has had the least to say of anybody as to what that law should be, and if I understand the situation, the remark had no reference whatever to the action that this association may take.

MR. THOMPSON of Minnesota: I want to reply to part of the remarks in which he said that those who had the enforcement of the laws should have the least to say as to the making of the laws. Now, so far as the courts are concerned, you are all right, but in this state, as well as in other states, the commissioner has the power to enforce the laws. He prepares the evidence and then takes it before the courts and sees that the guilty parties are prosecuted. Should this commissioner have anything to say to the Legislature? I say, yes. I have had some experience in legislation, although I have never been a commissioner, but I want to say to this body that the legislature gets its best information from state commissioners of various kinds. If we want information on game and fish laws and what the laws should be, we go to the Game and Fish Commissioner, who has made it a study for a whole year; he knows who are violating the laws and how they do it and he makes suggestions to the legislature and they get valuable information. If we want pointers as to railroad legislation we have railroad commissioners who get on to the ways in which the railroads are violating the law and they can give the legislature pointers on that. If we want legislation on dairy and food subjects, who can give us the best information? It is the commissioners. They know just what is going on and what kind of food is being given to the people, what kind of manufactured products, and know the good from the bad; they have their chemists. We call them in before the legislature and they can suggest and draft bills and furnish the most valuable information we can get, and we take their information and follow it. We have been consulted on various occasions, and if you have commissioners in other states as we have in this state I assure you they can give you the best information that you can get on dairy and food questions. They are the only means of protection between the people and the manufacturers. He will find one man selling strawberry preserves made of timothy seed and glucose. How can the honest manufacturer compete with that man? We have no law on this subject. The dairy and food commissioner, if he is active

and energetic, will come to the legislature and say "These are the fellows we are weeding out; we want legislation on that subject."

He suggests a bill and it is introduced in both branches of the legislature, sent before the committee on dairy and food products. Then the manufacturers or anybody else in the state has the right to come along and have a fair hearing and by that method we get full information, and we must rely on the dairy and food commissioners for that information.

MR. EMERY: The discussion turns somewhat upon the ideas I tried to present to the convention yesterday afternoon. I think all of us have the impression that Mr. Frailey restricted in his remarks the dairy and food commissioners for having a voice in the legislation upon this subject. I am glad if that is his view that he said that. I believe a platform of this kind should be open and free, and when a matter is up for discussion I think we should be intellectually honest and speak out our convictions, and from this friction, if you please, of expression of opinion we are sure to receive some benefit. I understood he named certain parties who ought to have a voice in the framing of a bill of this kind, but I did not hear that the great consuming public was named as a party who should have a voice in the framing of the bill, unless it should be through the representatives, but in my mind the great consuming public should have a large voice in all legislation upon food matters in this country, and I say again I am glad the gentleman spoke those sentiments, if they are so, but of course these sentiments are not legislation and they do not prescribe us from speaking or taking part, and I feel quite sure the dairy and food commissioners of this country will take a lively interest and will be heard upon this question of what shall be the law. This association, according to the reading I have given its records, has given a large amount of time to the consideration of a national food law and what should be its essential characteristics and the discussion has reached such a phase that in my judgment we should now be receding, we should now be acting, not as courageous men, if we failed to express what in our judgment should be the essential characteristics of a national law upon this subject.

MR. ANKENY: I think that my question was the one that started this discussion. The gentleman's statement may have started it, but my question perhaps furthered it. I want to say for one that I think any law that is passed should represent the highest thought on the particular subjects that that law is intended to cover. In this particular matter we have the question of foods; there are two classes, really,

that are the most largely interested. They are those who manufacture and sell and those who consume. When that statement was made that the executive should have the least to do in the framing of any law, the thought that came to my mind was the dairy and food commissioners of the various states of the United States are both executives and they represent as well the millions of people who are the consumers and they are the ones who must be their spokesmen. They come to us to get the facts in the case. They come to us and ask us to speak for them, and if we shall have the least to do, the millions of consumers in the United States will have the least to do in the making of that law. For that reason I asked the question, and I for one want the manufacturer to be represented because I believe, as I said before, that the highest thought in every law should be used in the framing of that law in order to get the best results. I believe that the object of every law on the statute book of every state in the Union should be to make it easier to do right and harder to do wrong. It should be to encourage honesty and to discourage dishonesty, and for that reason I felt, whether it was intended as a slap or not, I felt that we, as I supposed, representing the best thought, and if we did not we should, and the millions of consumers, we ought to have some voice in saying to the national Congress what kind of a law these millions need.

MR. GROSVENOR: Mr. President and gentlemen, sometimes an incident or example goes further to show the feelings and true conditions than to try to express them in language. Away back in prehistoric times Michigan passed a glucose law. About a year ago it became evident that it would be wise to remodel the glucose law, and here is what happened. The manufacturers, not of glucose, but the manufacturers of food products in Michigan who use glucose, and the distributors of syrups containing glucose, through their organization and their committees, came to Lansing; they were represented, as I remember it, by nine of the best men in Michigan engaged in that business. The food commissioner had been consulted, and had been told their desires. He came before their committee with his chemist and with his attorney and his own experience and presented his position. The manufacturers, in their own logical, business-like way, presented their wants and wishes, and the Senate and House committee sat there and arbitrated that question, and the result is, I believe, we have got the best glucose law of any state in the United States. They arbitrated those contentions in the interest of the common people. They are the ones that will look after the interests of the people if you give them a chance.

MR. JONES: Mr. President, I heard the remarks of Mr. Frailey in regard to this matter and I think he meant all right. I think all of us mean all right, and I think there will be no trouble so long as we understand each other. I have had the pleasure of meeting these gentlemen in various occupations on various occasions, and I have found so far, Mr. President, that you will never get a law through without these gentlemen knowing it. They are on their guard. In other words, they know their job and they are on to it, and everything is organized, as I understand it, in this country. You can not get a law through of any kind but what they will know of it as soon as it is presented in the legislature and printed, and it is right that they should know. Every interest should be fostered and cared for if we expect to get the best results, as we do in these food matters. We are not at all backward in my state about making suggestions or recommendations that we may deem necessary in order to make the law more perfect, consequently with my modesty and the modesty of my people we have never hesitated about drafting a law and presenting it, and usually it was not more than twenty-four hours after it landed in Springfield before every manufacturer knew of it. We have got the best organization of manufacturers in Illinois, I think, that I have ever known anywhere. I see them around here. They are bright, intelligent gentlemen and you can not run the razzle-dazzle on any of them, if that is what they mean by this thing of putting a law through without their knowing it. The other interests will know it, and as soon as it is presented and printed they will have copies of it, for they have friends in the legislature. There are manufacturers in the legislature, there are dairymen in the legislature, and there are men there who represent all these different interests, and they have got their friends there and will be represented. I think it is the duty—it may be because it is from my experience and coming as I do from a state that believes in that kind of thing—I believe it is the duty of the commissioners to formulate a law and present it, then let all those interests come in, let it go before the proper committees, and if it is too stringent these gentlemen will be there to show that it is, and if the commissioner is a fair commissioner and an honest commissioner, as I know they all are, he will at once say "That is right," call in the chemists and have them before these committees, gentlemen who are experts and who know all about these questions, and they can give the committees the benefit of their knowledge. You take the average man that is on the judiciary committee and he knows exactly what ought to be formulated into the law. You take a lawyer that has been practicing a great many

years, and as a general thing it takes a lawyer to go into the legislative and judiciary committee, and he knows what a fair law is, and he hears all these interests: the legislature sits there day after day on all these measures, and there is no danger but what all these interests will be cared for and considered. I believe in the old doctrine that when we want anything, "ask and ye shall receive; seek and ye shall find; knock and the door shall be opened unto you." That is the way we want to get at this. I think that so far as our state or our nation is concerned, when we present a bill we are simply giving our best judgment about it and they don't have to pass it. Let all the other interests do the same. That is the position the commissioner ought to take. That is my notion about it, from my experience. Formulate and present the bill, let it go to the legislature, and if the manufacturers think they have not been treated right let them prepare a bill, and let them all have a chance at it and we will get a law that will be satisfactory and when it goes through it will pass the Supreme Court. Most of these commissions have only been organized a short time, and it is like all other questions, it takes some time to settle it. The men who formulate these laws in the legislature are not the lawyers, the constitutional lawyers alone. Most of the people in this country are people who believe in the constitution, but when it comes to making a law it is pretty hard to formulate one so that it will pass in all of its different phases. That is what we are trying to do. I am in favor of preparing a law if we haven't got one. We had a splendid law. It was prepared by the committee of this association. Mr. Hamilton, a former member of the association, was chairman, and I think it was a splendid law, and I am not saying anything against the others. A number of features in the others are good and when the time comes Congress can have all of these laws when they go before the committees and not be confined to one law. But let us formulate one law, and if the manufacturers have one that they think is better let them present it, so that we will have the best ideas and the best thought, and when we get through here I would like to have done as we have done in the past, have a committee appointed to draft a bill and present it to the next Congress, and let them have the benefit of our knowledge on the subject.

MR. FREAR: I certainly am glad to hear the words of the last speaker. If there has been any virtue at all in the laws, so far as the special views of the Hepburn and McComber bills are concerned, it has been from the fact that they have been reached by the bringing together of the views of all the interests concerned, and certainly in the framing of a

measure, as Mr. Hutchinson has well said, the interests which had to do with the enforcement of food laws in the several states had a prominent and for the most part a dominant influence. If the forms of legislation proposed do not represent the best thought based upon more recent experience, certainly the men who have been closely in touch with this work, whether as food manufacturers or as those who enforce the laws or as those who interpret the laws, each should be heard in presenting to Congress, which will have the determination of this matter, the facts and opinions upon which that legislation ought to be based.

MR. MAUCK: The interest that I always feel in anything that Mr. Jones of Illinois might have to say causes me to observe that he is exploring us to ask and to knock. So far as the argument presented by Mr. Frailey is concerned I am inclined to knock. I do not believe it is necessary for me to say here that the food commissioners do not propose to abdicate. I want to say that while we are talking of the manufacturers and the departments getting together, that while that is entirely desirable it is almost rendered impossible when one reads the circular signed by the association of manufacturers, by L. M. Frailey, chairman of the executive board, that was issued to the trade of the state of Minnesota whereby they speak, saying they are "makers of good food products, capable of being handled by jobbers or dealers without annoyance from those who might attempt to interfere through ignorance of the law or under pretense of scientific or legal authority." I say that those who come here demanding that they alone may frame a national pure food law and the law upon coloring must be not repealed, but violated with impunity, and such preservatives as manufacturers may think best to interject into their articles may be used—those men who come here pleading for such a construction of the law at our hands are those ignorant both of the law and of science, and they might come with better grace, without attacking the department of the great state of Minnesota, as they have in the scurrilous circular that has been placed in my hands. So far as I am concerned, I think that every man here is somewhat undecided as to the amount and character, if any, of preservatives which might be added to a given food product. I do not understand, however, how any man acquainted with what we know as a general pure food law which obtains in so many states, can have any sympathy with the notion that a food product has to be colored. It is true, perhaps, that a great many poor people have no means of preserving a bottle of ketchup by putting it on ice or in some proper place, and in that case it might need some preservative. That is a question which involves

too much discussion, because I don't know any more about it than the man did who attempted to discuss the law in this circular, but I do know that way down in the hills of Ohio there was a woman who was able to make strawberry jam which was not unsightly to the eye, and which fond recollection brings back to me as not unpalatable to the taste, that didn't have a drop of aniline within fifteen miles of it. I do not believe in the coloring business. I think that this association ought to set its foot here and now down upon any proposition which looks to the sanction of coloring matter, because it can not do any good. If I were authorized to speak for the Ohio department I would say that the addition of any coloring matter in any food product in the state of Ohio, if the manufacturer can be got at, would subject him to prosecution.

PRESIDENT BAILEY: The hour has arrived at which we are to adjourn. I will say that the photographers tell me this is the best looking lot of men they ever saw and they would like to have you all go down on the steps, as they want to get another picture.

Convention adjourned until 2 o'clock p. m. of the same day.

AFTERNOON SESSION. WEDNESDAY, JULY 22, 2 O'CLOCK P. M.

Convention met pursuant to adjournment.

PRESIDENT BAILEY: Mr. Sudendorf, superintendent of the dairy exhibits in the dairy department of the St. Louis exposition, is here and has asked to be granted a few minutes to talk, which we are glad to give him.

MR. SUDENDORF: Mr. President, ladies and gentlemen, I will take your time merely two or three minutes. I merely wish to invite this association, in behalf of the Louisiana Purchase Exposition, and the agricultural department especially, to hold your next annual meeting in St. Louis. I want to say that we will have a very fine hall in the Agricultural building where you can hold your meetings, and the fair association will do everything in its power to make your visit pleasant in the way of entertainment and so forth. That is all I have got to say, Mr. President, and I thank you for the opportunity.

MR. ALLEN: In that regard, I will say that the association has a letter from the secretary of the exposition inviting us there next year and stating that they will give us a pure food day during the fair. I think personally it can be made the occasion of great progress and I move that it be the sense of this association to meet in St. Louis next year.

PRESIDENT BAILEY: Is that in accordance with the constitution and by-laws to settle that matter now?

MR. ALLEN: I think we can do it at any time, or we can take it up later.

MR. MCPHERSON: I would like to offer the suggestion that if we go to St. Louis at our next annual meeting that we make it later in the year. At this time of the year it will be pretty hot for those of us who live in the north, and I would like to have the date of the convention set at a time when it is cooler.

PRESIDENT BAILEY: We will take it up later.

MR. ALLEN: I will amend my motion so as to let the executive committee make the arrangements and set the time for calling the convention there.

The motion was duly seconded and carried.

PRESIDENT BAILEY: The convention will meet in St. Louis next year, if all is well. The time will be announced later. When we hear from the executive committee we will know what time we are to meet. I presume it will be somewhere from the last week in September to the second or third week of October.

As this day has been given over to the manufacturers and they did not all have a chance to be heard this forenoon, it has been suggested and agreed that they occupy what time they need this afternoon. I believe there are none of them on the program, but if there are any manufacturers here that want to be heard, now is the time.

PRESIDENT BAILEY: The next is an address by Mr. R. J. Evans, vice president of the H. J. Heinz Company of Pittsburg, Pa., on the subject of the Manufacture and Preservation of Fruits and Vegetables.

MR. EVANS' PAPER.

MR. Chairman, Ladies and Gentlemen: For fear that you may not know who I am or whom I represent, I might say that I am not the 58th, but of one the 57 of H. J. Heinz Company of Pittsburg, and in coming before this body to-day I speak for the members of our firm, as individuals, and what we have to say on the subject of the preservation of fruits and vegetables will be taken from our experience in the various processes of manufacture, dating back to 1869.

The preservation of pickles and table condiments in a general way is not a very difficult process, although it requires great care and skill. In the olden times the housewife put up her own fruits and cucumbers and other things that she thought necessary for household use at the time of the year when fresh fruits and vegetables could be had in her home market. These various products she put up according to her own recipe, or that of her neighbor's, and as the various products followed one after the other it used to keep her in the kitchen practically all the summer, and during the canning season the kitchen was a very

busy place and the disorder often approached uncleanliness. Even with the greatest care the housewife experienced great difficulty in having her preserves and cucumbers "keep." She would very carefully put them away in the coolest and darkest place in the cellar, would leave them undisturbed for a few days and then inspect them. Oftentimes she would find that fermentation had set in, when she would be compelled to empty the packages and recook the goods. How often have we all seen some of the very choicest of the home-made products brought forth in the winter time and upon opening find a layer of green mold. This the housewife said was no injury to the goods. This mold was removed and very little account taken of it, and the contents of the package or jar were used. How different from the housewife is the problem that confronts the manufacturer to-day. If he could put his products away in a dark, cool place in the cellar and not disturb them until they were ready to be used, he would have very little trouble whatever, but his goods must be made so as to withstand all sorts of climatic changes from the extreme cold of the north to the intense heat of the tropics. We are exporting goods, I might say, to every country in the world, and the problem we have confronting us is, not how to make them in the first place, but how to make them so that they will reach the consumer in South Africa, for instance, in a pure and wholesome condition.

The growth of the population in our country and the change in the method of living from the small home, the individual home, to the apartment and tenement house, also the great change in our manner of living, has made a change in the supply of food products, and it is now impossible for us to conduct the business as we used to years ago. The growth of the canning industry and the preserving lines might be said to date from 1880, and so great was the demand on account of the change in methods of living, that new canneries and establishments sprang up like mushrooms all over the country and the unskilled vied with the old established houses in the quantities of canned goods that they could put up with the result that a great deal of cheap, unwholesome goods flooded the market and people were turned against factory made goods and a deep-seated prejudice arose and still exists to this day. However, the better class of manufacturers, who have a reputation at stake and who put up food products and manufacture them in a manner which will not only meet the requirements of trade, but which will be absolutely pure and wholesome in every respect, are constantly experimenting and endeavoring to improve the quality of their goods.

Only a few years ago a great quantity of food products, such as jellies, preserves, apple butters

were put out in very large size packages, whisky barrels, and in that form of package of course a preservative was necessary. That was the only way the manufacturer had at that time of introducing his goods, and he had none of the facilities of to-day to help him out in that. I may say that we use to-day more bottles than a dozen glass houses twenty years ago could manufacture, so you see some of the things we had to contend with are not present now, and in the development of the trade some of the obstacles which confront us to-day we are hoping will pass away.

The trade is undergoing a vast change, the tendency being to use smaller packages in all kinds of productions. I might say that only two years ago we sold very largely in ketchup a bottle containing say sixteen ounces. To-day we have almost discarded that bottle and now are putting out a bottle holding eight to ten ounces and possibly in a year or two we may find this bottle still too large. I might say that years ago we also sold apple butter in whisky barrels, but now our sales of this preserve are largely confined to stone packages holding three pounds.

Food products put up in tin, or those which are commonly termed canned goods, do not require the use of an antiseptic, as the preserving of these goods is accomplished by sterilization, which is done by subjecting the goods after being placed in the cans to a certain temperature for a given length of time. This is sometimes done in open bath but more generally in closed steam retorts.

The manufacturer is held responsible if one of his cans, upon being opened, is found moldy or unwholesome, and no allowance is made for any defects, and therefore it is to the interest of the manufacturer to study how to overcome every possible obstacle in order that his goods may reach the consumer pure and wholesome. We have gone through experiments on a number of raw products which are used in our business that are infested with spore-bearing bacteria. Some of these are most resistant to heat. We have experimented with and are now putting up some tomato products by the sterilization process and have placed on each individual bottle a notice that the bottle, after once being opened, must be placed in an ice chest and that the contents of the bottle must be used in a very short space of time, otherwise fermentation will set in. Our experiments indicate that even if the bottle were kept on ice, mold would begin to show within three or four days, but in certain cases mold would not appear until the sixth or seventh day, and we have found at times, not until the tenth day. The average time for mold to make its appearance was after five or six days. In order to satisfy ourselves as to whether the consistency of the product would not affect the mold we made some of the tomato products twice as heavy as

ordinarily; owing to the heavy consistency the goods would adhere more or less to the sides of the bottle and mold would show on these heavy goods on the third or fourth day, while in the case of the thinner goods the mold would be carried down the sides of the bottle and mix with the contents and would not show so readily.

We have also experimented with putting the goods away in cold storage and we find where the temperature is from 34 to 40 degrees, almost without exception the packages have developed mold.

These experiments and our experience lead us up to the question, Is it not better to put into such condiments a small quantity of preservative? We do not say it should be done, but we leave it to the eminent chemists to say what is best to be done. We have demonstrated that it is possible to preserve tomato products in the kind of package in which they are at present sold, say 8-ounce bottles, without the use of antiseptics, but we have not discovered a way of keeping those products after they are opened and it would seem to us that the trade conditions of the present must undergo a very great change before it is practical for any manufacturer to put out these products in any great quantity without the use of an antiseptic. Perhaps some day when we gain additional knowledge and with the assistance of the food commissioners and their chemists, we may find a way of overcoming this difficulty, or possibly the condiments can be put out in such a decreased size that they will be consumed immediately after being opened, like canned goods.

The use of antiseptics in canned goods is not necessary, because they are used promptly after opening, and a sufficient degree of heat is all that is necessary to kill the spores of even the most resistant forms of bacteria associated with them.

We therefore ask your careful consideration of these facts and we request that you and your chemists assist us in solving some of the very perplexing problems, and we desire to say that whatever rulings are made by the department at Washington or by this body, will be perfectly satisfactory to our firm. We would greatly appreciate a set standard for food products and a ruling on antiseptics. Another problem for discussion between the manufacturer and the food commissioner is the color question. Our firm has used harmless color in the past, but recently has used less and less of it, and this year absolutely not one particle of it goes in any goods that we manufacture. (Applause.)

I may say also on the preservative question that we have been experimenting since 1895, and are assisted in this work by a number of scientific men constantly devoting their time to research work, and as the result of this work we are using less than fifty per cent of the amount we formerly used.

Another thing that we would recommend to this body is a ruling regarding tin plate. The tin cans as we use them here are not of the quality of those which are used abroad. The ones imported from Germany and France have a much larger percentage of tin than those made in America. When the plate is light, acid will eat through the iron and admit air and in such cases fermentation is sure to ensue, and in our opinion a law to regulate the minimum per cent of tin or metal in cans used for food products would be very wise.

We would also suggest that a uniform law be passed regarding labels; as it is now it is almost impossible for a manufacturer to use a general label to comply with the different laws of the various states. For instance, he finds that a label which will pass muster in his own state will be condemned in a neighboring one. Some of the states require labels indicating the presence of a preservative, for instance, in letters of not less than half an inch in height. This seems unreasonable, as sometimes packages which would require this label contain only two or three ounces and the greater proportion of them seldom contain more than eight ounces. In our opinion a letter not to exceed three-sixteenths of an inch would be sufficiently large, as with the various shapes of bottles it would be practically impossible to use large letters.

In closing I wish to say that we are trying experiments in a commercial way at a very great risk financially and also to our reputation, of putting out sterilized tomato products in glass. We started this last season and these goods have now been distributed in several states. The reports at present indicate that, in the case of ketchup in bottles holding 16 ounces and which were sold to restaurants and hotels, where a bottle would have to stand for quite a time before being consumed, that without exception every bottle fermented. We have put out in small-sized bottles holding 8 ounces, two different grades of goods, which we have sent into different states and have had no complaints as yet, but we rather anticipate difficulty in this respect as the goods are all now going into consumption. We merely cite this to show you that we are experimenting in a practical way in endeavoring to solve this question of how to get pure food to the consumer, and I would say further, here, that we would not knowingly use anything in the preparation of food products which would be in the least injurious to the consumer, and we ask the help of the commission and the chemists and hope they will give us all the assistance they can to delve deeper into the mysteries of organic chemistry and help solve some of these problems.

To show you what care we take to keep track of our finished products I wish to mention vine-

gar, of which we manufacture thousands of barrels every year. Out of each tank there is a sample taken and every barrel has a test mark so that when this barrel goes into Maine or California or Texas or any state in the Union, we can tell exactly from that test mark whether the goods have been tampered with, having a sample at the factory, and we keep it there until such time as we believe the goods have been consumed and there has been no complaint.

We have also established salting stations, and I may say that the greater proportion of them are in Michigan, Indiana and Wisconsin, at sixty-one different places where we gather our vegetables. We have done that because it is necessary to get them fresh and put them down into the brine at the very earliest possible moment so that we may have the freshest quality. We have ten different branch factories over the country to assist us in that, so that we will not be troubled with a deterioration of the product from the vine to the package. We are more and more, as we extend our business and develop its resources, putting the fresh goods into the package during the fresh goods' season and we carry those through the season and are able to label them up as the requirements of the trade demand. We insist on absolute cleanliness in our factory, use only the highest grade of products, and we are trying in every way to get the goods we make into the hands of the consumer in such a way that they will be absolutely pure and wholesome, and the only difficulty we have had to contend with in the past has been this question of fermentation. I am not disposed to take issue on that question, or wish to decide or debate as to the injuriousness of it; it was a difficulty that confronted us and we had to solve it the best way we knew with our limited knowledge, but I hope with the increased knowledge we will get of our business and the increased attention that is being paid to the subject, we will soon have the problem solved and it will not be necessary to use any preservative at all, because it means just that much additional expense and added cost to our products.

As there may be some questions which you gentlemen may wish to ask in regard to the products I have mentioned I wish to announce that I have brought with me one of the scientific men of our concern who will be pleased to give you detailed information, as you will understand that in this address I can only touch upon this subject in a general way. I have with me Mr. Duckwall, who has been associated with us a good while and who is editor of the scientific department of the Canner and Drier Fruit Packers' Journal and who is the practical man in our department and he can answer a good many questions that would be of interest to you. And I wish to say further that

our factory is open to you, and our men are at your command in order to help solve some of these problems.

THE PRESIDENT: Mr. Duckwall of Aspenwall, Pa., will now follow Mr. Evans.

MR. DUCKWALL, WITH H. J. HEINZ COMPANY OF PITTSBURG.

Mr. Chairman, Ladies and Gentlemen of the Association: I am connected with H. J. Heinz Company in the capacity of manufacturer, and as editor of the scientific Department of the "Canner and Dried Fruit Packer" I am interested in the solution of some of the scientific problems which come up in the preparation of pure food products. I am very much in sympathy with all movements which will create a higher standard in the purity and wholesomeness of food products. I was much interested last night in Dr. Frear's address in which he spoke of the standards for foods; he said that thus far analyses had been confined strictly to the finished products and that the raw products had not yet received the attention which possibly they might receive in the future. It has been a problem that has devolved upon us as manufacturers to find out the character of raw products. We had to become familiar with the character of raw material in order to enable us to choose the very best. In the preparation of food products we have to contend with a number of spore-bearing bacteria which are very resistant to boiling temperature. I speak of this in connection with the sterilization process, because in the sterilization process there are developed certain chemicals which will be found by chemical analyses, that are due to oxidation of fats and sugars and the tests show the presence of minute quantities of antiseptics which have not been purposely added to the goods. There are two classes of goods with which we have to deal, viz., goods put up in glass, such as tomato ketchup, chili sauce, tomato chutney and others, and the other class embraces all kinds of canned goods. We claim that it is not necessary to use any antiseptic in the sterilization of canned goods and we do not use it, and I believe that none of the very best canners in the country use it. Those who do use antiseptics are ignorant of the value of steam as a sterilizing agent. The problem which confronts us in the sterilization of such products as ketchup and chili sauce put up in glass is different. If this class of goods is put up in large packages holding a number of ounces, say sixteen to twenty ounces, while we may be able to sterilize it perfectly, and send it out to the trade, there is no evidence that it will keep very long after it is opened. We know it to be a fact that in five or six days mold will form on the surface, and in time the conidia or the spores of the mold which are borne on the tufts or sporangia, will enter into the fluid and fermentation will set up

just as violent as the fermentation set up by the *saccharomyces* or yeast fungi. Now there are several kinds of molds which will form on this character of goods. It is not only the harmless kind of mold, such as *pencilium-glaucum*, which we find associated with tomatoes, but sometimes it is a mold such as *aspergillus fumigatus* or *aspergillus niger*, which are associated with pneumonia. The problem then is, shall we put up these goods in as large a package as that, or shall we put them up in packages which can be used at a single meal? I refer to these dangers simply to show you the problems we have to face.

Now, also, in dealing with the other class of goods, where we have to subject them to a temperature of 250 degrees Fahrenheit for sterilization, there are a number of bacteria which form sports, and among them I may mention the species which belong to the families of *bacillus subtilis*, *mesentericus vulgatus*, *mesentericus fuscus*, *mesentericus ruber*, and the *bacillus butyricus*, found in milk, and milk is very difficult to sterilize, as some of you may know, and also such bacteria as *megatherium* and *tumescens* are found frequently on cabbage, peas and beans. These bacteria require a heat of at least 250 degrees Fahrenheit to destroy the spores. At that temperature, in the retort, there are formed such products as formic acid, formaldehyde and peroxide of hydrogen in various quantities.

Now in order to assure this organization, and in order to be in touch with its members let us get closer together, and it might be wise for you to enlist the services of the bacteriologist to help you solve some of the problems with which you are confronted. I wish to quote some authorities to prove that our statements are correct, and we hope thereby to gain your confidence and be in harmony with your work.

Professor Frederick G. Novy of Ann Arbor College, on page 75, "Laboratory Bacteriology," you will find this wording under the head of "Light." He says:

"Clearly, therefore, a prolonged exposure of a given medium to sunlight, changes, in some way, its chemical composition. Similar alterations will be met with, when strongly alkaline media are heated in an auto-clave for some time at 120 degrees Centigrade (about 250 degrees Fahrenheit), and the action of sunlight or of heat may cause an oxidation of the fats and sugars present, giving rise to acid products which change the reaction of the medium and consequently render it useless" (that is, for the cultivation of bacteria, of which he is treating here namely, the media for the cultivation of the different kinds of bacteria). "Moreover, oxidation products may be formed, like formic acid or formaldehyde, which exert a marked antiseptic action. Apparently the most important antiseptic that may be

formed in the presence of sunlight is hydrogen peroxide."

Professor Henry Droop Richmond, one of the foremost chemists of England, writes on the action of heat on milk. He says, "Dairy Chemistry," page 145:

"When milk is heated to 100 degrees Centigrade, calcium citrate is deposited, and by keeping at this temperature for some time slight oxidation sets in with the production of traces of formic acid and marked reduction of the rotatory power of the milk sugar."

Prof. LaFar, who is connected with the Imperial Technical High School of Vienna, in his work, "Technical Mycology," page 206, says:

"The high and continued heating necessary to the sterilization of milk, alters the chemical constitution of the milk in such a manner, that it becomes almost unsuitable for nutrition. The lactose, as I have shown, decomposes into dark brown fission products, containing formic acid, with an empyreumatic flavor."

Now these problems have come up before us, and we have at times been subjected to criticism where we felt that we had been wronged, no doubt unintentionally, but we attributed it to the fact that those who had made the analyses of our goods were not familiar with some of the changes that are brought about by heat, and we give you the results we have obtained in the hope that it may be worth something to you in your future investigations.

When you find in canned goods at times, traces of certain kinds of antiseptics, be real sure that they are not the products of oxidation, and fermentation.

Certain fruits and vegetables contain antiseptics which give positive chemical reactions. Whortleberries contain benzoic acid, .6 to .8 grams per liter. (La Far, Sec. 80.) Raspberries contain salicylic acid. Horseradish contains salicylic acid enough to prevent the acetification of cider one part to 350. Meats also become impregnated with antiseptics, such as creosote and phenol, from the smoke of such wood as beechwood. Now when analyses are made it is well to take these facts into consideration where any such raw material enters into the composition of the food which is submitted for the tests.

I want to call attention to the danger from a light tin plate when used to make up tin cans for foods of an albuminous nature. A great deal of the tin plate used by can manufacturers is defective, the microscope showing incomplete plating of the steel sheet. When these defects are attacked by the acids peculiar to the contents, the steel is eaten through which opens the way for putrefactive bacteria to set up decomposition. Where albuminoids are present there is great danger of ptomaines, leucomaines and poisonous

toxins which are the products of such bacteria as bacillus botulinus, bacillus moribificans bovis, bacillus enteritidis, proteus vulgaris, miribalis and zenkeri, and the pathogenic bacteria.

A law, therefore, to control the amount of tin plating for canning purposes is a great necessity. In closing I want to thank you for your kind consideration.

PRESIDENT BAILEY: Is there any question you would like to ask Mr. Duckwall on this subject?

MR. LADD: I would like to inquire if formaldehyde is present to any particular extent in any of these cases. I have been working on it considerably because I have been one of those that have been subject to criticism. I have found sometimes a reaction for what might have been mistaken, perhaps it was ethyl-aldehyde, but I have not been able to find what I was convinced was formaldehyde under any of these conditions. I have found formaldehyde in some of these products which I have examined, all the way from oysters and meats to canned goods, and I have found it in some of these cases in such unmistakable quantities that I could not conceive it had been formed, unless the products were in very bad condition when they were put up, which did not seem to be the case. Now I would like to know for my own information whether there is more than the merest trace, which a chemist would ordinarily pass over in such testing, or whether there is present or liable to be present, an appreciable amount so that there would be no question about it when we have eliminated the other aldehydes and other contents.

MR. DUCKWALL: For the information of the gentleman I will say that formaldehyde and peroxide of hydrogen are elaborated in such a way in the presence of sunlight or 250 degrees of heat, Fahrenheit, that frequently alkaline media used in the production of bacteria, becomes unfit and has to be cast aside.

MR. LADD: I will grant that where it is open to the air and not in the closed cans as it was in the other cases.

MR. GUDEMANN: I would like to ask Professor Ladd how he tested for formaldehyde in the cases he speaks of.

MR. LADD: The products were distilled by the official method that is laid down by the official agricultural chemists. We then treated it with ammonia so as to form a compound with the formaldehyde and then treated it so as to drive off all other aldehydes, then set free the formaldehyde by means of hydrochloric acid and tested it with the several methods I have given. The test upon which I relied principally was the Resorcin test.

MR. FREAR: There is one question I want to

ask. Do you say you made this test upon the distillate?

MR. LADD: Upon the distillate, yes.

MR. GUDEMANN of Chicago, Ill.: I would like to ask if it is not possible that in making your test you actually formed formaldehyde?

MR. LADD: We made a great many blank experiments, and all of them were made with great care. We started at first with a mixture of ether and alcohol and a heated platinum wire and made the experiments as carefully as we could, and wherever there was a question of doubt we eliminated that. We got so much formaldehyde that in one case where the manufacturers asserted they were not there we had an eastern chemist make a test and after about three months, in order that the goods should not be condemned, we finally consented to give the report of the eastern chemist, in which he remarked that he found both boracic acid and formaldehyde, as we had reported, but he states the formaldehyde might have been formed in some process in the manufacture, and the boracic acid, as he intimated, got in in the by-product they had used.

MR. JONES: It is very important that we have a correct report of all these proceedings, and I would suggest that each speaker announce his name and come forward to the platform so that the reporter can hear.

PRESIDENT BAILEY: I had an instance in our state a year ago. A can of peas was sold in the regular way to a man and all of the parties using some of this particular can were made very sick. I sent them to the chemist and his report was that he found arsenic enough in that can of peas to have killed anybody. Now the question is how that arsenic got in that can of peas. They never heard of such a thing before or since. It was a can sold in the open market and that one can made this family sick and we know it was the peas because there were four in the family that ate the peas and were sick and the other one didn't eat them and was all right, and the question was how it got there.

MR. WAGNER: I would like to confirm the remarks of the gentleman connected with the Heinz company with reference to the alleged presence of formaldehyde in canned goods. Among other things we manufacture are imitation jellies and some time ago a bulletin of the North Dakota Experiment Station was submitted to me, where in bold letters it was set forth that these jellies contain formalin. Now, it happens that all the purchases made for our factories, which are scattered from the State of New York to the State of Nebraska, that all the purchases pass through my office, and I authorize every purchase made for the factories; I state most positively and emphati-

cally that our company has never bought an ounce of formalin or formaldehyde or any chemical of that nature, yet, according to Professor Ladd's bulletin, it was found in our goods. We were thus charged with using a material which we know is indeed quite harmful to the human system.

I submitted this matter to our chemist, who tested a number of samples of jellies for formalin, and in due time reported that certain methods apparently disclose the presence of formalin; however, if the matter was run down and every test known applied, it could be shown conclusively that our jellies were entirely free from formalin and that a statement to the contrary was simply due to erroneous conclusions based on unreliable tests. Unfortunately, I am not in a position to-day to state which test was employed by our chemist, Mr. A. P. Bryant, but for Professor Ladd's own information I should be glad to submit it to him as soon as I get back to my office, but I wish to state again that this is a conclusive case where the tests were misleading and the information given out to the public in the above bulletin was incorrect and injurious to the interests of the manufacturers.

MR. LADD: Mr. President, I grant that there is no place where there is so great likelihood for mistake, if great care is not taken, than there is in tests for formaldehyde, but I do say before this association that I found formaldehyde in such quantities in food products that have been sold in North Dakota, particularly in oysters, that there can be no mistake, because the oysters would have to come pretty nearly to rotting in order to develop that amount of formaldehyde. There is no doubt about it. I have been subjected to so much criticism on this matter that I have taken special pains to study the subject. How it comes there I am unable to say. All I can say is I can not conceive, in the cases spoken of, and there were others, of its having been formed in this amount without some other change being shown in the fruit which we could not find, or in the products which we examined.

MR. FREAR: I may be able to give the gentleman some light on the subject he brings up by saying that such products as phenol, neutrol and formic acid are the elaborations of putrefactive bacteria frequently, and if the oysters were in the putrefactive state in which they were—

MR. LADD: No, I said they would have to be.

MR. FREAR: In cases of putrefaction, even where putrefaction may have set in enough to be unperceived, formic acid may elaborate both in the process of decomposition.

PRESIDENT BAILEY: Perhaps we had better

move along a little. Some of our friends who are on the program have dropped out and others are busy. The next on the program will be the Honorable E. O. Grosvenor of Michigan, ex-Dairy Commissioner of Michigan, whom you all know.

MR. GROSVENOR'S ADDRESS.

Mr. President, Ladies and Gentlemen: Owing to the late hour last evening and the adjournment this noon, I for one did not have a chance to make my annual announcement concerning pure food standards, and if the gentlemen will bear with me a minute I would like to digress from the subject under discussion for two or three minutes on the subject of food standards. This is a subject that you gentlemen who have attended meetings in the past know has been up for discussion ever since this association was founded and the arguments have sometimes been very protracted. I remember one time when it consumed nearly the whole night, but I think in the discussion at this meeting we have lost sight of one, particularly one essential, and that is, to distinguish between what we may call and have called the laboratory standard and one which a food commissioner can enforce. I am informed that the National Association of Official Agricultural Chemists, if I quote the name correctly, have authorized a committee to formulate a set of standards for food products and report the same back to that association and that this committee's report is to be without criticism, and that they have carte blanche to name this standard. I suppose the pamphlet distributed last evening and headed "Food Definitions and Standards," prepared by the committee on food standards, Official Association of Agricultural Chemists, is as I understand it, their first paper.

Now, Mr. President, I will concede that it is eminently proper for this association of chemists to present to their brother chemists a set of food standards for all products that are specifically single products, but I do not admit, Mr. President, that any man has a right to make a standard for a mixture. I wish to distinguish very carefully and closely between those two things. You may make the standard for pepper, how? By going out and getting all kinds of pepper and by analyzing them and then placing your standard so as to embrace the limits shown by these different peppers, but when you undertake to mix vanilla or vanillin and alcohol or whatever goes with it, to make up an extract, I believe no one has a right to say how you shall mix that mixture. I shall be allowed to take several ingredients and put them together in any proportion I care to and sell them under my

brand, and if you, or another manufacturer desires to put up a different kind of extract with these same ingredients mixed in a different way, I believe that is his right, and I am going to ask our friend from Ohio, who is an attorney, to tell us a little later whether in his judgment the legislature has the power to go that far. I do not concede that it has. I do not believe it is within the power of the legislature to make an arbitrary standard for a mixture. Possibly it has. But, at any rate, when that committee of agricultural chemists returns these standards, as Secretary Allen well pointed out this morning, we must not fall into the error of believing that these immediately become the food standards, and it seems to me they can only be the laboratory standards, and when the commissioner of Ohio shall start a prosecution his chemist can only go on the stand and swear to his judgment in the matter, which may be based on his experience, and not on the report of the agricultural chemists that a certain product is adulterated because it does not conform to their standards. No one will deny that it is then a proper defense to show that this product is absolutely pure. Then I undertake to say the standard will fail. I hope that this question will be discussed fully. There is another heading on the program under which it will come up, and I believe that it is a subject we cannot have too much light on, and I am not looking for trouble such as we had a few years ago, when we were kept up all night.

Mr. President, coming to the subject under discussion, I suppose I must be the 58th; I am certainly not one of the 57, and if there is any reason why I should be put down to discuss a question that I know so little about, I don't know of it, and it has occurred to me I can perhaps say nothing to be of any benefit at all, but if so, it must be along the line of trying to point out the difference in the point of view between those charged with the enforcement of pure food laws and those that are engaged in the business of making and selling pure food products. As some of you may know, it was my privilege to serve for four years as a food commissioner, and I believe I have some slight idea of that standpoint; and since that time, for a period of about three years, I have been engaged in other lines which have brought me so much in contact with the commercial side of the question that I am trying to appreciate as much as possible that side of the question. Now, I believe that the food commissioners, and I say it in all candor and honesty, I believe the food commissioners are fully as anxious to secure a uniform set of laws and rulings as the manufacturers themselves, and I am sure no one will question the good faith of the different food commissioners and their assistants in the enforcing of these laws. But I would like

to read one section of Article 2 of the by-laws and constitution of this association, adopted at the city of Detroit at its first meeting in 1897, and I assure you that these by-laws are the product of the best thought in the association at that time, and was not at all confined to the committee, after several evenings' work and a great deal of Detroit ice water, and they set out the purpose of this association in the following language:

"Object of the Association: The object is to promote and foster such legislation as will tend to protect public health, to prevent deception in the manufacture, sale and use of dairy, food and other products intended for human consumption."

The next is the paragraph I wish to call special attention to.

"Section 2. To promote uniformity in legislation and ruling relative to dairy and food products."

Now, gentlemen, that certainly shows the good faith of this association, and the primary object of its organization. They realized then, as I am sure they do to a greater extent now, how difficult it was for manufacturers to be required to have different labels for the different states, and they especially remembered that large manufacturers distributing widely, would ship goods to one city in one state and which conformed to the requirements of the laws of that state, only to have them shipped out by some jobber into a state to the laws of which they did not conform, and it was that one thing that they had in mind. A little later an attempt was made, to be more exact, at the Milwaukee meeting of this association, manufacturers were invited down there and were invited to address the association, and I believe a number of them did. The controversy, or rather the proposition of effecting a uniform set of rulings was gone into quite extensively, and a committee headed by Commissioner Blackburn of Ohio rendered quite a long report showing why it was not possible to obtain uniform legislation, I mean uniform rulings. In a nutshell it was that the laws differed so materially that no commissioner felt authorized to absolutely ignore the requirements of his state laws, so we could not get together on rulings, and the manufacturers understood it. I say this to show that the commissioners from their point of view have endeavored to treat this matter fairly, and have endeavored to assist manufacturers in obviating the worst evils they have to contend with. We must not forget that a difference in the point of view occasionally causes a great deal of misunderstanding. I believe it was responsible for our Civil war, and I regret to notice during this meeting there is a little feeling growing up, on the part of the food commissioners perhaps, that the manufacturers are not always fair, and perhaps on the part of some food commissioners to incline to be

a little bit technical. Now I believe that that is the evil, Mr. President, and we discussed that question well at Buffalo several years ago, where the tendency of food commissioners, sitting in their offices and consulting with their chemists, was to be rather technical from the fact that the technical rulings of some of the commissioners were required perhaps by the laws of some states, which had been adopted indiscriminately without any warrant of law whatever, and I know the question was very openly and thoroughly discussed at that time, and one commissioner said—I remember well his position, and I don't think any state ever had a better commissioner than that man was—"I realize we haven't any authority in law for this ruling, but the condition we have to meet in our state I think requires it, and I am just going to take the chances and do it." Now from what he said, I believe conditions in his state at that time required that step, but gentlemen, that has been followed all over this country and is to-day found in the rulings of many commissioners, and I don't believe there is the first letter of authority for many of them. In talking with a food commissioner yesterday he made this statement, which I think it would be well to emblazon on the banner of this association: that no commissioner should make a ruling for which there was not plain, clear, satisfactory authority in his law. I know that that has been the sense of the association in the past, but we get too technical; the environment is not quite broad enough. Still, I question very much whether there is a food commissioner in this room who would not welcome a visit at any time from any manufacturer who he is convinced comes there in good faith to discuss these questions, and I really believe the manufacturers have been quite a good deal at fault in the past because they have not done more of that work. A food commissioner, if he is inclined to be a little too technical, the habit grows on him, and I have never heard a food commissioner state that he knew as much about the manufacturing side, the interests of the manufacturer, as the manufacturer himself. Still, in my term of four years as food commissioner, I can only recall one instance where a manufacturer came in my office and said, "Now I want to explain to you why I do such and such a thing." I got more information out of that man in one short hour than I have ever been able to get from the delegations that came to this association, because of course the environment was more favorable.

Now, on the other hand, don't the manufacturers quite often misunderstand and misinterpret the actions of the food commissioner? I think they do. In the first place, there is quite a widespread idea that a food commissioner is primarily a politician, and that politicians are by

nature a little inclined to pay attention to political questions first. Now it naturally follows that a manufacturer, occupied with his own business matters, will not give the questions which are coming up every day quite as much intelligent, hard thought nor quite as much attention as they deserve. I believe the manufacturers of this country if they had a chance, to explain to every food commissioner, through the medium of their own factories perhaps, the exact conditions, that then the food commissioners would apply their laws rigidly, but with a great deal better idea, with a great deal better reason, than it is possible for them to under the present circumstances, and I bespeak, Mr. President, for the association, that it may have a manufacturers' day and that the manufacturers will show the same enthusiasm in coming here that they have this time, and I believe before this is finished we will secure a great deal of mutual good. When I say "we," I mean every person in the room, and I have certainly been enlightened to a considerable extent by the paper already read and by the discussion upon this question. There is something rather overlapping in this question of preservative. It seems to come up almost any moment under any head; I presume that is because it is the burning issue, and listening last evening to the very interesting discussion of the experiments of Dr. Wiley, one thing especially fixed itself upon my mind, and that was his closing declaration. This thing cannot be done in a minute. They have been seven months experimenting with one substance. It will require a full year to give us those results, and still Dr. Wiley saw fit to say that that is only one, if I quote his language correctly, of a multitude or an army of preserving agents which must be investigated. I believe that when the Department of Agriculture shall take a stand upon the subject of borax, and upon the subject of benzoate of soda or any other thing, that that subject is then settled in this country, and I don't believe any food commissioner or manufacturer would care to take issue with them. Therefore it becomes of special, immediate importance to secure those results as soon as possible, but it is evident we cannot have them for a long while. Now in the meantime what is the situation, with the food commissioner acting under that subdivision of his statute which says nothing shall be sold if it contains any substance which is injurious to health? Most of us are acting under that subject when we handle this preservative. Very few of us have any specific law, and in that respect I think the rulings of this association, if you will pardon the criticism, Mr. President, might be made more uniform. Acting under that Section 6 of the general food law, one commissioner says, and he is advised by his chemist and probably

by his attorney general, "I have determined that all preservatives are injurious to health, therefore I prohibit them." The next one says, "I don't know; my chemist's advice is that he doesn't know, and Dr. Wiley's experiments have not been finished and perhaps Dr. Wiley doesn't know, therefore I am going to let it go along as it has gone and allow the use of the commonly used preservatives;" and the third commissioner says, "Well, I have studied the question too and I have made up my mind that we have got to allow them until these experiments are finished at Washington; we must allow the use of these preservatives, therefore I am going to say you can use any preservative you want to if you will only label the package." Now let us see: Michigan says, "We require a label." Ohio says: "You can't use it," and Kentucky says, "You can go on using it."

Say I am a manufacturer and I want to ship into the state of Michigan. I ship to Detroit a lot of goods under the Michigan construction, and I may ship them there if I label them, so I label them, "This contains one part in ten thousand of sodium benzoate" and the Detroit man sends it down into Ohio and there is his name across the label and the Ohio commissioner immediately begins looking for that manufacturer and he will report him in his bulletin and the man or firm will get a great deal of free advertising, and why? Not because he has done anything wrong and shipped something that was not allowable, but because a jobber there without any responsibility reships some of that to Ohio or Kentucky, as the case may be. So long as there are three requirements under the similar statutes, no manufacturer living or his business reputation or his brand names, are safe. And I believe, Mr. President, that the remedy—and there is no use discussing these evils unless we have a remedy—I believe in the remedy we are asking for, and that is the national food law. I believe that if we had a national food law and if every commissioner would take that law to his legislature and say, "Now, gentlemen, please enact this as a state statute; don't pare it; don't make it a little better; make it exactly as it is" and I believe every state food commissioner would be glad to do that, and no opposition could possibly come from any source, we would have a national law then in force as a federal statute and in force as a police measure in the different states, and any ruling which came from the authorities at Washington would naturally be followed by the state food commissioners, and the result that this association has so long sought and that the manufacturers have so long needed, would be in sight. And Mr. President, I believe that this association ought to send to Congress a memorial upon that subject. I am not here to say what it should be,

whether it should be Tom's bill or Dick's Bill or Harry's bill, but we should ask them, and we should insist, and I know the manufacturers are doing it, upon securing some sort of pure food law. If we do not, I am afraid the time will come when Dr. Wiley's grandson will be investigating preservatives, and I am informed Dr. Wiley is still a happy-go-lucky bachelor, and I think he ought to be taxed for it.

THE PRESIDENT: Mr. R. A. Badger of Curtice Bros. Co. of Rochester, N. Y., will now address you.

MR. BADGER OF CURTICEBROS. CO., OF ROCHESTER, N. Y.

I represent one of the largest concerns interested in the manufacture of food products and canned goods in this country and also other manufacturers, and am as well a delegate from the Association of Manufacturers and Distributors of food products. I believe that there is no industry that has done so much for the advancement of civilization and the opening up of new countries as that of the canning and preserving business, and yet I think you will all admit that there is no industry against which there has been raised the hue and cry that there has been against this business, and I think unwarrantably. Not all goods are adulterated or bad; some are of good quality. But public opinion has been warped. I think possibly this has been occasioned by the haste in legislation, and I think that that has been done unwittingly. I believe that there is a way out of this by frequent conferences between you gentlemen and the people who are interested in the manufacturing end of the business. From the viewpoint of the manufacturer the use of a preservative for commercial ketchup, jams and preserves is an absolute necessity. I say for commercial ketchup, jams and preserves. I will admit for the sake of an argument if you wish, that these goods can be produced in a limited way for quick consumption, or for consumption at a later day providing certain care is given in the handling of them, without the use of a preservative, but in the goods that can be carried indefinitely and can be sold in all climates and held by the dealers under all conditions, the use of a preservative is necessary. In contradistinction to this I would say that canned goods, so-called—those goods put up in tin and depending entirely upon sterilization—do not need, and in my estimation no manufacturer ever uses in the preparation of them any antiseptic or preservative. We have been in business since 1868. I have been connected with the house that I represent for the last 28 years, and in all of that time, and in all of my experience, not only with our own but the goods of other manufacturers, I have yet to find that anyone has used a preservative in tinned goods. Perhaps I should modify that

statement by saying that you may consider the bleacher that has sometimes been used for corn or the sweetener commonly called saccharine that has been used by some manufacturers to be in the nature of a preservative. Those articles, however, have not been used for the purpose of preservation, but for the purpose I have mentioned, the bleacher for the matter of color and the saccharine for the purpose of a sweetener. Those are articles, however, that we do not use. Our experience has taught us that there are other and better things. It has occurred to me and it is a matter that we have learned by experience that a good many things are seemingly correct in a theoretical-practical way—I say theoretical-practical, that is, putting these things into practice on a small scale they are correct but where put into commercial practice they are absolutely at fault. I mean by this that the theory that goods can be produced without the use of a preservative is correct so far as domestic methods obtain, but those methods cannot obtain in goods prepared on a large scale and for commercial use. It is impossible for a manufacturer doing business on an extended scale to revert to the primitive methods, even if it were practical; I say impossible, owing to the fact that each fruit or vegetable reaches the manufacturer in a very short space of time. He gets in his strawberries in the course of four or five days for his entire year's requirements. He needs to anticipate the requirements of the trade, and because of the difficulty in doing this—either as to anticipating whether the trade will wish the goods as preserves or jams or in which of the various style or size of packages that he may have, which depends entirely upon subsequent events—he is unable to prepare these goods, as they come to him in this short space of time, in a way that he can hold them as against subsequent requirements without the use of a preservative. The use of a preservative enables him to do this, and beyond that, it extends what would otherwise be a very short fruit season over a continued period of time. The impression seems to have prevailed that preservatives are sometimes used for the purpose of rejuvenating fruits and vegetables that have begun to decay. I think this is an exploded idea. It is erroneous, at least, for it is impossible to do this.

I think regarding the labeling of goods—either as to the statement upon the label, of the antiseptic or preservative used, as well as the coloring matter, if any is deemed necessary or desirable—that no manufacturer of repute would object to doing this, provided there was uniformity and fairness insisted upon. If preservatives should be prohibited, not because of their unhealthfulness, but rather because of the sentiment against them, the reaction would come, not only upon the manufacturer of the goods, but

upon the grower of the fruits as well. His market for these fruits would be in a measure curtailed. It would be impossible for him to find a ready market except at a distance, and then possibly at a great loss.

I believe that the mooted questions can be readily settled by a co-operation on the part of the commissioners and the manufacturers. I think you gentlemen would find that the manufacturers are ready to co-operate with you in establishing standards, if you will, or certain uniformity in labeling. It is a matter that we are all interested in. I think that our interest in these questions are identical. It has always been a matter of pleasure for me to meet the various food commissioners, and I have always been treated in a very fair and business-like way and I desire to express my appreciation for that treatment. I also wish to express a desire that some uniformity could be arrived at, either by a conference between a committee from the commissioners and the manufacturers or in some other way, so that the latter would know "where" they "are at," to use a common expression. The invitation was extended by one of the former speakers to visit the factory of the company that he represents. That is an invitation that we are always glad to extend. Our latch-string is always out and it would give us more than a small amount of pleasure to have any or all of these gentlemen call upon us and see while there, how we put into practice the methods that we say should obtain. It has never been our idea or intent to in any way antagonize those who are attempting to interpret the law. We say, however, that in some instances we think the law is unfortunate in its specific statements. Regarding the item of preservatives it is a mooted question and it has not yet been determined whether it is or is not healthful, and until some determination can be arrived at we would simply ask to have judgment suspended.

MR. MCPHERSON: May I ask a question? Do I understand you to say that in the preservation of jams and jellies an antiseptic is absolutely necessary?

MR. BADGER: For jams or jellies, as well as ketchup, in a commercial way.

PRESIDENT BAILEYS: We will now hear from Professor J. H. Shepard of South Dakota.

MR. SHEPARD'S ADDRESS.

Mr. President, Ladies and Gentlemen: I believe that the change was made in the order of the program so that my paper might come up here at this time while the manufacturers were all present and were all privileged to the floor. I believe that was the understanding, and the expectation is that they will criticize me and that is what I want them to do. We want to get the very fullest possible discussion out of this

matter. I might state also that I believe that the reason I was selected to present this subject was on account of the radical views or advanced views which I hold in regard to antiseptics and coloring matter. I believe that is a well understood matter, and I am very glad to do this because I believe in the strenuous life and I also believe to a certain extent in the policy of President Roosevelt. I believe that publicity is the thing that we want in the matter of foods as well as in the matter of trusts.

THE USE OF COLORING MATTER AND ANTISEPTICS IN FOOD PRODUCTS.

As a nation we have entered fully upon a new era. We often hear that things are different from what they were in our "Grandmother's days." This is especially true in regard to the articles of food that our grandmother's used to make at home and store away in the cellar and the pantry and the preserve closet. The apple no longer dries in the sun. The golden pumpkin no longer hangs in graceful festoons from the kitchen ceiling, nor does the succulent sweet corn occupy its place of honor above the kitchen stove, where it was slowly dessicated to insure its keeping qualities.

The long rows of preserves in glass cans no longer perch serenely on the highest shelf in the cupboard, nor do the jars of sweetmeats and mince meats repose securely locked away from the youthful gourmand in the pantry lockers. The spinning wheel is silent throughout the land. The old familiar clinking of the knitting needles no longer accompanies the drowsy ticking of the old clock on the mantel when the family gathers around the fireside.

As a nation we are becoming specialists and all the old home ministrations and domestic industries are relegated to the large manufacturing concerns which have invaded our households and destroyed our homely but healthful little domestic industries which have surely and truly builded us into a nation of stalwarts.

These petty industries have been surrendered to the large manufacturers; and how are they safeguarding the trust and confidence which this mighty nation has reposed in them? To them we have given the safekeeping of not only the health of ourselves and that of our children, but also that of generations unborn.

As I have traveled throughout the breadth of our land, I have been more and more impressed with the enormous amounts of prepared foods consumed by the American people. In our cities, from the rear of hotels and restaurants, and from the back alleys of our private residences, come daily load after load of empty cans and containers. In every hamlet in our rural districts, from Maine to Oregon, one sees the empty containers of prepared food products accumulating on

the common dumping grounds. And, go where you will, even to the lonely cabin of the pioneer or the isolated home of the rancher on the great plains of the west, or even to the lonely shack of the prospector in the heart of the mountains, the empty tin can is in abundant evidence.

By occupation I am a chemist, and I presume that is the reason I have been assigned the topic of "Coloring Matter and Antiseptics in Food Products."

By examining a large number of prepared foods in my laboratory, I have found that the use of coloring matter is extensively practiced. Many times it is used where it might well be dispensed with, but in the majority of cases it is used to conceal inferiority. While this use is in itself reprehensible, what shall we say when coloring matter is employed that of itself is poisonous or unsanitary?

From a sanitary point of view coloring matters used in foods may be divided into two classes: First, those that are admittedly harmless, so far as detrimental effects upon the health are concerned, and, second, those that are directly poisonous or tend toward functional derangement of the digestive, excretory or nervous systems.

Belonging to the first class are such substances as anatto, tumeric, litmus, cochineal, and other harmless vegetable colors. On the use of this class of coloring matter I do not care to dwell. I wish simply to go on record as holding the belief that they add nothing to the nutritive value of the foods upon which they are employed. These colors, while they may be pleasing to the eye, do not make the foods more digestible nor do they enhance its value in any way except in the price at which it is sold to the consumer. It may be that the aesthetic sense of the public demands these bright colors, but if so, I am inclined to charge this perverted taste to the manufacturers who are making poor use of their stewardship in order to reap unearned rewards. To me these bright colors are a badge or brand of inferiority. When a highly-colored vinegar, jam, catsup, or any other prepared food, comes into the laboratory, I say, "Aha, my friend, what 'sore spot or sensitive spot' are you trying to conceal under this gaudy exterior." And when its pitiable secret is laid bare I sometimes say, "How long, Oh Lord, how long?"

Under harmful or poisonous coloring matters used in food products, I shall assemble the coal-tar dyes in all their numbers, and with all their relatives. I know that some of them are supposed to be harmless, but this list of harmless ones is growing less with more extended and better investigation. Moreover, methods of manufacture change so rapidly and names and nomenclature shift so swiftly that there is no safety in their use. Some coal tar colors are prompt and

active poisons, other affect the excretory organs, especially the kidneys, most unfavorably. Some of them are so poisonous that when applied to the skin prompt and vigorous symptoms of systemic poisoning ensue. I have had cases under my advisement where poorly-dyed clothing, which crocked, gave rise to serious results.

After long and serious thought on the subject, I have reached the conclusion that we should have a national law prohibiting all coal-tar colors and their congeners from being used in food products. Truly such dangerous chemicals as these are neither meat for strong men nor food for babes and sucklings. Just think of the proposition. We have pharmacy and medical laws regulating the administration of drugs, extracts and simples, and yet we allow a class of people without any medical skill to administer poisonous colors to ourselves and to our children in colored foods, beverages and confections. All the coal-tar colors are manufactured by artificial processes without official supervision as to their effects upon the public health, and none of them should be administered in foods in the promiscuous manner now prevailing.

To show the extent to which coal-tar colors and their congeners are now employed in foods for giving color effects, a partial list of the foods so treated by some manufacturers reads like this: Wines, jams, jellies, preserves of all kinds, canned goods, such as cherries, peaches, strawberries and tomatoes, candies, sausages, catsup, flavoring extracts, syrups for soda fountains, vinegars, marmalades, butter, cheese, etc., etc. Now, when we consider the immense amount of these goods consumed in American dietaries, the question assumes startling significance.

In addition to the coloring matters already named there have been employed to a large extent, admittedly poisonous, metallic salts of lead, copper, zinc, arsenic and iron.

I am glad to say, however, that these substances are now scarcely used at all.

In regard to antiseptics and the public health, it may be truthfully said that their use is co-extensive with (if not in excess) that of coloring matter. Many kinds of foods are treated with antiseptics where no coloring matter is required or used, while a large number of products carry both. Antiseptics are used to prevent fermentation. Antiseptics may, like coloring matters, be divided in two classes: First, those which are not only admittedly harmless, but are also useful articles of food, such as common salt, sugar, spices, etc. These have been used since time immemorial, and their use must be considered legitimate. The second class embraces the so-called chemical preservatives, the principal ones of which are salicylic and benzoic acids and their salts, boracic acid and borax; sulphurous acid and its

salts, formaldehyde, saccharin, sucrol, abrastol, betanaphthol, and some of the fluorine compounds. The application of these preservatives to food products is of comparatively recent date, and in the opinion of the writer their use is a menace to public health and longevity.

In discussing this part of my subject from a sanitary standing, it might be well to state that the use of chemical preservatives is for one of the following purposes: First, they may be used to prevent fermentative or putrefactive process in the article of food after it is placed upon the market, or, second, they may be used for the purpose of arresting decay in raw materials before manufacture, or, third, they may be used for the purpose of disinfecting tainted raw materials in order that this unsanitary material may be sold in the place of sound, wholesome foodstuffs.

It must be remembered that the processes of digestion in the human system are essentially fermentation processes. These processes are brought about by means of a series of enzymes. Again, it must be remembered that any agent which will prevent fermentation in a food product will probably render it indigestible until such agent is removed, since the digestive enzymes themselves are rendered powerless by its presence.

Chemical preservatives affect food products to which they are applied in different ways. In the first place, they destroy or render inactive any germs or enzymes naturally contained by the food itself. Secondly, they destroy or render inactive any fermentation agent that may come to the food either from the air or from outside contact. And, third, they often make profound changes in the different constituents of the food itself. All these changes in a food product tend to make it more indigestible. And for this reason chemical preservatives should not be used in any food product. And then again preservatives in food products, when used in sufficient quantity to prevent fermentation, must also injuriously affect the natural digestive enzymes of the alimentary tract. It does not seem unreasonable to suppose that digestion will be arrested in the presence of preservatives until the system has removed them by absorption. And right here another fact must not be overlooked, and that is, most of these chemical preservatives are powerful drugs or medicines, affecting the system profoundly in some or all of its functional processes.

Now when we come to consider the fact that nearly every one of our modern prepared food products may be found in the market containing one or more chemical preservatives, it becomes a matter of grave national concern.

The only palliation that I have heard manufacturers offer for the use of chemical preservatives, is that only minute quantities are used in any one food product, so that at the most a per-

son would take only a minute dose at one meal. It is evident that such manufacturers are not homeopaths. I believe, personally, that when enough of a preservative is used to accomplish the desired end, more than a homeopathic dose is taken by the patient. However this may be, what shall we say when these doses are repeated time after time at the same meal? In order to bring this matter out more forcibly, I have prepared a menu for one day that any family in the United States might possibly use, and I am not sure but the working man in our cities would be quite likely to use it. We shall see what the aggregate dosage may reach in a single day.

Breakfast.

Breakfast food and coffee.
Sausage, containing coal tar dye and borax.
Potatoes.
Baker's bread, containing alum.
Butter, containing coal tar dye.
Canned cherries, containing coal tar dye and salicylic acid.
Pancakes, containing alum.
Syrup, containing sodium sulphite.
This gives eight doses of chemicals and dyes for breakfast.

Dinner.

Tomato soup, containing coal tar dye and benzoic acid.
Cabbage and corned beef, containing saltpeter.
Corn scallops, containing sulphurous acid and formaldehyde.
Canned peas, salicylic acid.
Catsup, coal tar dye and benzoic acid.
Vinegar, coal tar dye.
Potatoes.
Bread and butter, alum and coal tar dye.
Mince pie, boracic acid.
Pickles, copperas, sodium sulphite and salicylic acid.
Lemon ice cream, methyl alcohol.
Coffee.
This menu gives sixteen doses for dinner.

Supper.

Baker's bread and butter, containing alum and coal tar dye.
Potatoes.
Canned beef, containing borax.
Canned peaches, sodium sulphite, coal tar dye and salicylic acid.
Pickles, copperas, sodium sulphite and formaldehyde.
Catsup, coal tar dye and benzoic acid.
Lemon cake, alum.
Baked pork and beans, formaldehyde.
Vinegar, coal tar dye.
Currant jelly, coal tar dye and salicylic acid.
Cheese, coal tar dye.
This menu gives sixteen doses for supper. According to this menu, then, the unconscious and

unwilling patient gets forty doses of chemicals and colors per day. Even if he should introduce quite a variation he would be as likely to increase the dosage as he would to diminish it. During the year he would unconsciously take fourteen thousand six hundred doses.

Now it might be possible that the system could adapt itself to one kind of poison after a time, but what must the poor, disgusted digestive enzymes think of the terrible array of poisons gathered in the foregoing and not unreasonable menu? A Chinese dose of medicine is a simple affair beside the list just given.

But what of a remedy for this lamentable state of affairs? It must come through wise laws rigidly enforced. The public must be better educated so they will not buy embalmed foods. And every encouragement must be given to our honest manufacturers, for, thank God, we do have manufacturers who are putting out wholesome goods. If any food product now on the market cannot be successfully put out without the use of coloring matter and antiseptics it should be banished at once from our American dietaries.

The people are looking to our food and dairy commissioners for protection for themselves and their children. May they have strength and wisdom.

PRESIDENT BAILEY: This matter is now open for discussion, and I will introduce to you Mr. Charles F. Loudon, who will open the discussion.

MR. LOUDON: Mr. President, Ladies and Gentlemen: I want to say that I do not appear as a member of any association or as representing any association of manufacturers. I belong to no association and represent no one but myself and what I have to say applies only to my own line of goods, regarding which I feel that an experience of twenty years qualifies me to speak.

Gentlemen: At your last meeting in Portland, Oregon, Mr. Blackburn kindly presented my communication regarding the necessity of using a preservative in the article in which I am chiefly interested, tomato catsup, and I then expressed the hope that you would adopt a uniform ruling for all states, permitting the use of harmless preservatives (to be definitely specified by you) in goods which, from their nature and composition, would ferment or mould on exposure to the air, and which, from the manner in which they are used, are necessarily uncorked and exposed to the air for days or weeks before the contents of the package are consumed.

In discussing my presentation of this matter, Mr. Allen expressed the hope that I would be present at this meeting to reply to his remarks, and, as they were right in line with the subject now under discussion, I beg to submit a further statement as to the necessity of using a preserva-

tive in catsup—the harmlessness of certain preservatives, the reasons for the use of artificial color and the need of uniform laws or rulings on these matters.

NECESSITY OF A PRESERVATIVE.

In my former communication, I made the statement, which I believe no one will dispute, that any moist vegetable compound which is not preserved either by the use of sugar, salt, vinegar, alcohol or artificial preservatives, will ferment, decompose or mould after being exposed to the air for a short time. This is especially true of such a compound as catsup, which is largely the juice and pulp of the tomato, with the addition of granulated sugar, itself an element of fermentation unless used in such quantity as to form a preserving syrup, which cannot be done in catsup, nor can sufficient salt, vinegar or alcohol be used to prevent fermentation without rendering the goods unpalatable. I referred to experiments made the previous season on goods without preservative, and would say that I have followed up this line of experiment in the season just past, with practically the same results. I put up a considerable quantity of catsup in the regular way, from fresh ripe tomatoes, sterilizing the bottles, corks, receiving tanks, filling tanks, etc., either by dry heat or the use of live steam, and, in fact, handling the goods exactly as we do in our regular work, except that no preservative was added to them. In my previous season's experiments, I kept the goods in the factory for several months without opening the bottles and none fermented, showing that the methods of handling and sterilization were perfect. This past season, instead of keeping the experimental goods in the factory, I sent out one or two cases in certain cars, saying nothing to the consignees about the matter, so as not to prejudice them in advance, and awaiting the results, which came in the shape of complaints of fermented goods, some of which I will read.

COPIES OF LETTERS.

Chicago, November 5, 1902.

C. F. Loudon, Cincinnati, O.

Dear Sir: We are in receipt of a letter from one of our customers which reads as follows:

"I am having complaints about the catsup. The trouble seems to be it is not keeping good after being opened. I saw a bottle spoil before being half used. I want to notify you in time."

Portland, Ore., Feb. 24, 1903.

C. F. Loudon, Cincinnati, O.

Dear Sir: One of our customers sent in a complaint to us a few days ago that they have some of the catsup on hand and said that on opening bottles goods soured shortly and are unfit for use. Kindly advise whether we shall replace with

good stock and what to do with the goods above mentioned.

Milwaukee, Feb. 16, 1903.

C. F. Loudon, Cincinnati, O.

Dear Sir: We are having trouble with the catsup this year. It looks well and tastes good, but when open two or three days it turns sour. Is there anything that we can add to the catsup to keep it from souring?

I want to call your special attention to the fact that these letters speak of the goods as being in perfect condition when opened, but spoiling a few days after opening. The originals of these letters are at hand and open to your inspection if desired. Now, gentlemen, the point I make is this—that even if catsup is made from fresh ripe tomatoes, bottled when made, and every process of its manufacture perfectly clean and chemically clean, as proved by its keeping for months after making, it will ferment after it is opened and exposed to the air, unless some preservative is used. Catsup is different from almost any other article of food or drink, in that it is not consumed shortly after opening, but is used a little each day and the package remains open and exposed to the air, which always has the germs of fermentation in it, until the entire contents of the bottle are consumed. Milk is intended to be used fresh and ordinary care and cleanliness in its use insure against its souring until used. The natural percentage of alcohol in beer has a tendency to act as a preservative, pickles have sufficient salt and vinegar to keep them, and jellies and preserves properly made have sugar enough to act as a preservative, but catsup is not used up as quickly as milk is, has no alcohol and has not enough of salt, sugar or vinegar to preserve it. While my experiments show that it is possible to put up catsup without a preservative so that it will keep until opened, they also show the impracticability of the process from a manufacturing point of view. Just here I want to quote the admission kindly made by Dr. Eaton, on page 407 of the published reports of the Portland meeting. Dr. Eaton said then: "It is true, we know, that no food can be kept any length of time upon the market exposed to the air without some chemical preservative. That is the only method of keeping food when exposed to the air, and in some foods a preservative is absolutely necessary, because they are not put up in small enough bottles to be used before they will spoil." That, I believe, covers the case concisely, so far as the necessity for the use of a preservative in catsup is concerned. From a commercial point of view, it would be impossible to put catsup up in packages so small that the entire contents would be consumed at a meal. It would necessitate the manufacture of hundreds of

millions of one ounce or two ounce bottles, and it would be altogether impossible for any factory to handle packages so small in any considerable quantity, nor would the trade nor consumers favor goods in individual packages.

The statement was made at your last meeting that housekeepers put up catsups that keeps without preservative. I have heard housekeepers say the same thing, but a little questioning usually brought the admission that an occasional bottle went wrong or that a part of a bottle soured after opening and was thrown away, and this notwithstanding the fact that home-made catsup usually has more salt and vinegar, and is more highly spiced than the sweet catsup in general demand, and that catsup prepared at home is put away in a cool, dry cellar as soon as made, and not disturbed until used. If shipped all over the country and exposed to the varying conditions of climate and temperature, I feel safe in saying that all or nearly all of it would ferment.

You gentlemen who are chemists know that it is a chemical impossibility to prepare any compound of vegetables and sugar, so that it will keep indefinitely exposed to the air, unless sufficient salt, sugar or vinegar is used to preserve it, and that cannot be done without rendering catsup unpalatable.

HARMLESSNESS OF PRESERVATIVES.

In considering the question of the harmlessness of preservatives Mr. Allen quoted the opinions of several authorities who agreed that preservatives are injurious. In reply to his references on this point, I want to say first, that I regard such statements largely in the same light that I would the testimony of hand-writing experts in forgery cases. The prosecution brings a dozen experts to testify that the signature is a forgery and the defense, if it has the time and money to command the services of so many, brings two dozen to testify that it is not a forgery at all. Understand, please, I do not attempt to question the sincerity of the gentlemen whose opinions Mr. Allen quoted, but I do question the accuracy of these opinions in view of the large amount of testimony directly opposed to them. Mr. Allen quoted the opinion of Dr. Kister, of Berlin, to the effect that boracic acid was injurious even in small doses, yet the state legislature of Pennsylvania has recently passed an act permitting the use of this preservative to the extent of one-half of one per cent, and I am advised that this was done with the sanction of the Pennsylvania food commission, who would certainly not consent to it until thoroughly satisfied that the preservative in question was harmless.

Mr. Allen quoted Dr. Wiley as saying that there is no preservative which paralyzes the ferments which produce decay, that does not at the same

time paralyze the ferments which produce digestion; but Dr. Wiley now tells us that the results of his experiments are not yet reduced to a basis upon which to formulate an authoritative statement, and that the weight of such testimony as we have is to the effect that boracic acid is non-injurious. I question, therefore, whether he would now condemn the moderate use of any of the milder preservatives without first having thoroughly tested them. Mr. Allen also quotes several other gentlemen as agreeing in general terms on the proposition that anything which will prevent fermentation will also prevent or interfere with digestion. So far as this applies to catsup, it is manifestly incorrect, as only a very minute quantity of raw material of any kind is sufficient to overcome the antifermentive effect of the preservative in catsup and set up fermentation in it. A few drops of raw tomato juice, crumbs of bread or even water, if not pure, added to a bottle of catsup in which a minimum quantity of preservative is used will cause it to ferment in a short time, and when the usual small amount is eaten, the antifermentive effect of a preservative in the catsup is entirely lost when mixed with the other foods. I think Mr. Allen's own admission that we are in need of specific information concerning the effects of antiseptics on the system, is very pertinent to the case. There has been a great hue and cry raised against their use with very little definite information regarding their effects, most of what we have being merely theories and almost no positive information based on actual experiment. In the case of many of the milder preservatives we have absolutely no proof that they are injurious, and it would seem only right before condemning them, to have some positive knowledge on the subject, and not to take such a step on mere theory, unsupported by actual tests.

As opposed to the authorities quoted by Mr. Allen, I beg to offer the following opinions:

REFERENCES.

The greater part of these statements were published in the "London Lancet," as the result of inquiries made by the editor of that paper regarding the use of preservatives in food products.

Dr. Pavy wrote that he did not consider our knowledge sufficiently extended to permit of its being taken for granted that no injury is producible, although there is no evidence of injury to health. He points out that it is the vender and not the consumer that is benefited and considers that notification of the fact that antiseptics are employed, together with their nature and amount, would be sufficient. With the public interest safeguarded, he says that advantage might be taken of the power of antiseptics in preserving articles of food.

Sir B. W. Richardson writes that antiseptics are not only necessary at this moment, but when used

in proper form and quantity in food products, cause no injury whatever. There should be a license given permitting a certain fixed and not dangerous quantity of preservative.

Dr. T. Launder Brunton writes, "One must remember that poisons are formed in food by spontaneous decomposition, which may take place after purchase. The question to be decided comes to be whether antiseptics are likely to be more injurious to health than the natural products of decomposition. My own belief is that preservatives are the less injurious and should, therefore, not be forbidden by law. It is doubtful whether legislation should restrict the amount, as the makers probably use the minimum amount required for preservative purposes."

Sir W. Roberts states, "There is no reliable information available and an inquiry is needed." The opinions quoted above are from some of the most eminent medical men in England.

Rideal, in his work on disinfectants (Second Edition, page 196) says, "Benzoic acid is not poisonous." Prof. Senator, of Berlin, gave as much as 50 grains a day of sodium benzoate to a patient suffering from rheumatism, without ill effects. H. Leffmann, in the journal of the Franklin Institute, 1899, Vol. C and LVII, page 97, says, "If the use of any preservative is to be permitted in food, boric acid and sodium benzoate are the least objectionable, as they have less tendency to disturb the digestive functions than any other preservatives in use.

R. Hefelmain (Zeitschrift für öffentliches chemie, Vol. 4, pages 128-131: "According to physiological experiments, benzoic acid is completely harmless in ordinary dilution."

Edward Curtio, professor of materia medica in Columbia University, writing in Buck's Reference Hand Book of Medical Science, Vol. 1, page 754, says: "Physiologically, sodium benzoate is about as harmless as a salt can be." J. L. Danziger, assistant professor of chemistry, Columbia University, says: "As to the toxic effects of the more common preservatives, formaldehyde is condemned by all authorities. Boric acid appears to be the one most advocated on account of its harmlessness, although it is quite weak in antiseptic power. Investigators in general do not favor the use of salicylic acid. Beta naphthol and its derivatives seem to have many advocates, but the bulk of opinion seems to favor boric acid and sodium benzoate.

I have no doubt I could have made my list longer if I had had the time to go into the matter more thoroughly. The opinions I quote are those of men eminent in the profession of chemistry and medicine, and are certainly entitled to consideration. I might add the result of personal observation among hands employed in my factory, and my own use of catsup, which has satisfied me

personally that the small amount of preservative used in the better grades of catsup is absolutely without any effect whatever on the system.

COLORING.

On the question of artificial coloring, I am heartily in accord with the efforts of you gentlemen to prevent the use of harmful coloring matter, and to prevent the use of coloring matter that is not harmful, when used to conceal damage or inferiority, but when we are guaranteed by the manufacturers of the better grade of colors that they have been so refined that all injurious ingredients have been eliminated, are we not justified in using them, provided we do so, not to conceal damage or inferiority when the goods are made from whole ripe tomatoes and the quality the best we can turn out, but to restore the color lost in the process of manufacture and to make the goods appear attractive to the eye? In making catsup, I take the juice and meat of sixteen bushels of ripe tomatoes, making about 100 gallons of fluid pulp, and cook it down to 45 gallons, to get the body or density required for catsup. This severe cooking necessarily kills the color to some extent and subsequent exposure of the goods to the light would further effect the color if an artificial color were not added. It is not very material to us whether we use carmine or the refined synthetic colors, but we feel that coloring matter of some kind is required to make the goods attractive in appearance and to meet the demands of the public, who call for a red catsup in preference to the natural color, just as they call for colored candies in preference to those without artificial coloring. Personally, I do not favor the use of the coal tar colors, although, on account of their greater permanency and lower cost, they have come into very general use. As long as you permit the use of harmless coloring matter in candies and butter without requiring any special labeling, is it fair to require the manufacturer of catsup to place a label on his goods in which similar coloring matter is used?

Would it not be better to specify the preservative and color that may be used and limit the quantity to an amount you know to be non-injurious, rather than admit all preservatives and colors, and any quantity of them so long as their presence is shown by the label? If all you require is a label indicating the use of preservative or color, and if that label allows the manufacturer to use any amount or kind of either, the packer of good, clean, high-class goods, using a minimum amount of the least objectionable preservative and color is brought into direct competition with the cheapest kind of goods made from the offal of canning factories, colored up high and "held down" by so large an amount of preservative that fermentation is impossible, no matter how uncleanly the process of manufacture.

UNIFORM RULINGS.

I believe the most important matter before you, gentlemen, is the crying need for some uniform ruling on these matters of preservative, color and labeling, so that packers may not be required to pack differently or label differently for every different state. Only last season I shipped catsup to one of your jobbers here in Minnesota, after he had submitted my sample to the Minnesota food commissioner, who approved it, and was kind enough to say that it was a very good grade of catsup; yet a part of the same catsup was condemned by the commissioner of another state, who objected to the use of an artificial color of any kind whatever. That sort of thing seems to be an unnecessary hardship on manufacturers who go to the extent of submitting samples for analysis and approval before shipping goods out. With differing laws in many states, and in some cases an entirely different construction of the same law by different food commissioners, manufacturers are frequently at a loss to know what they must do to meet the requirements of the law, or to have their goods approved by the food commissioners of the different states. Many of you gentlemen decline to give us definite and specific information as to what we may or may not use, referring us to the law and telling us to interpret it ourselves, and when we do this and ship out goods that we honestly believe are in accordance with the law, we are liable to strike a snag in the construction of the law by some food commissioner whose opinion as to what the law means, differs not only from our own, but from that of his fellow commissioner in an adjoining state with a law identical in wording.

It is no part of my business to tell you gentlemen what you should do, but if you are sincere in your wish to give the public good food, I would suggest that you make your fight against cheap goods—the quart bottles of catsup for 10 cents, the 5-cent bottles, the big package for a low price—goods made from factory waste instead of whole tomatoes, and then thickened with starch to give them body, sweetened with saccharine instead of granulated sugar, and flavored with extracts instead of whole spices. If you will do this, every manufacturer of high-class catsup will join you. Give us a uniform ruling permitting the use of preservatives specified by the Association of Official Agricultural Chemists, as quoted by Dr. Eaton on page 406 of your last published report, under the second heading; that is, preservatives which, in the small quantities in which they are used in food, may be entirely harmless, such as boracic acid, benzoic acid, sodium benzoate, sodium sulphite, sulfurous acids, ammonium fluoride, sodium fluoride and beta naphthol. I have quoted you above the opinions of eminent authorities on the

harmlessness of some of these preservatives. Most of them I know nothing whatever about, but I suppose from their classification under one head by the agricultural chemists, that they are all about on the same plane as regards their toxic properties. If there is good and sufficient ground for objecting to any one of them, cut it out, but let us know definitely which we may use and limit the quantity to what you know to be non-injurious, and I am certain that every packer of high-class goods will use only such preservatives as you permit and will keep within your limit as to the quantity to be employed. It is only the packers of the cheapest grade of goods who use such large quantities of preservatives, and clean goods from whole tomatoes require only a minimum amount, and that only to prevent fermentation after the package is opened and exposed to the air, in which the germs of fermentation are always present.

MR. CRITCHFIELD: I think Mr. Loudon stated in his paper that an act of the assembly was recently passed in the state of Pennsylvania permitting the use of one-half of 1 per cent of boracic acid as a preservative with the consent and approval of the dairy and food commissioners of the state. I think the gentleman is mistaken in regard to that matter. An association of wholesale and retail grocers in the city of Philadelphia called upon the commissioner and asked him his view with regard to that matter and he said that was a matter that he was unable to decide, but stated that the legislature was in session and if they would apply and satisfy the legislature that one-half of 1 per cent of boracic acid was not injurious, as a matter of course they could secure their remedy through the legislature. I think that was all that was said on the part of the dairy and food commissioner in regard to that matter.

MR. LOUDON: I made that statement on the authority of an article published in the *Philadelphia Grocer*. That was the only authority I had for that statement and I supposed it was correct, or I should not have stated it.

MR. CRITCHFIELD: I was present during all of the conference that took place and that was all there was of it.

MR. GUDEMAN'S REMARKS.

Mr. President, in Mr. Shepard's paper he touched on antiseptics and colors. I will not say anything on antiseptics, but will be perfectly satisfied to wait and see what the result will be of Dr. Wiley's experiments conducted at Washington. I am perfectly willing to get off on whichever side his conclusion leads to, and I believe that that is the stand that ought to be taken by every one.

As regards the matter of colors in confectionery. Official circular from the executive committee of the National Confectioners' Association

of the United States, on page 4, first paragraph, says: "That coal tar colors are specially adapted to the wants of confectioners on account of their brilliancy, permanency and high coloring power, by reason of which last named quality but infinitesimal amounts of color need be or can be used to give the desired effects.

And in Section 5 they say that color dealers furnishing colors to confectioners should publish printed lists of their colors under the various names and titles by which they are known and offered for sale, accompanying such lists with ample certifications by competent chemists to their purity and suitability for coloring confectionery and other articles of food. They should also attach to each package or other container of color, a guarantee that it does not contain anything injurious to health. As a corollary to the above named propositions, it follows that if confectioners buy their colors exclusively from reputable and responsible dealers, and if dealers attach a guarantee to each package or other container of color, as required, the question of determining where to get absolutely non-injurious colors is fully answered. Dealers in colors should be held to a strict accountability under their guarantees, and if it should appear necessary and advisable, the National Confectioners' Association will lend its aid to their enforcement."

I speak now as the consulting chemist for H. Kohnstamm & Company of Chicago and New York, manufacturers of non-poisonous colors, a concern that has been in the business since 1853. They warrant their colors and guarantee to stand back of them with their financial and moral responsibility. The question has come up very often regarding standards. Standards have been established for pure colors, and this concern has accepted the standard. I will not take your time, but will just refer to a communication from H. Kohnstamm & Co. that was sent to Professor Shepard and the other gentlemen discussing this subject. We hold colors must be tested chemically to find that they are non-injurious as far as the chemical properties are concerned. That is the first test. The second test is that they must be tested physiologically, in regard to their effect on the body, and in that respect also our colors can be recommended for use as non-injurious. The quantity used is a great factor, and when we find that of some colors one drachm is used for 120 pounds of sugar, and when it is proven to be a fact that considerable quantities could be administered for some time without any effect, in daily doses of not less than two drachms for a given person, and if we accept that as the standard of purity and find that our color when administered in that quantity has no injurious effect, we are justified in calling that color a harmless one, and with such colors candy can be put on the

market that is absolutely non-injurious. Now I won't take your time in reading the whole of the communication if I can hand it in to the secretary.

Every batch of colors manufactured by the firm I represent is physiologically and chemically tested, and a very high standard has been accepted, and if you accept that standard for colors you can be assured that the injury done by the use of colors in confectionery or other food products will be no greater than the injury done—in fact, will be less than the injury done; by the use of many of the vegetable colors, including tumeric, which is used to color butter. In an official statement of the State of Ohio, regarding one of our yellow colors for butter, we were informed that in comparison with vegetable color (tumeric), which has been used for ages and is still admitted to be a harmless color, our color showed itself to be superior from the fact that it interfered less with digestion.

We are perfectly willing to take the responsibility for our coloring matters because they are harmless. The question whether to allow use of colors or not is for you to decide. To give preference to the so-called vegetable or animal colors and to rule against the use of the less injurious pure harmless synthetic colors is not consistent.

PRESIDENT BAILEY: The next to take part in this discussion is Mr. J. D. Miller, representing Sprague, Warner & Co., wholesale grocers and manufacturers of Chicago.

MR. MILLER'S ADDRESS.

Mr. President and Gentlemen:

I was not aware in advance that I was to appear on this program and know of no reason why I should be called upon to discuss the subject of canning and preserving fruits and vegetables with which I am not familiar, and shall therefore not attempt to do so.

I wish, however, to refer to the discussion of the morning session in which a manufacturer criticised the efforts of those who execute the food laws, to influence legislation, and to say that the interests I represent have no sympathy with that idea. It is our belief that the people of the several states have for good reasons undertaken through the police power honestly to deal with the important subject of pure and wholesome food and with such efforts we are in full sympathy.

Although food commissioners frequently make errors which sometimes prove harmful to legitimate trade yet we believe they are as a rule earnestly endeavoring impartially to do their duty, and they acquire information valuable, not only to themselves, but also to the people whom they represent and if they fail to give to the public the full benefit of that information and shall neglect to present views which they deem sound for the consideration of committees in the halls

of legislation, they fail to perform their whole duty. We think, however, it would be well for the commissioners at the same time to consult with committees representing manufacturers and dealers concerning proposed legislation in order to avoid the securing of legislation which may tend unnecessarily to interfere with legitimate trade.

Before concluding permit me to call attention to the importance of uniform rulings, the lack of which is at present a serious hindrance to trade and unnecessarily expensive to manufacturers, jobbers and retailers—and in the end results in placing additional financial burdens upon the consumer.

It has been suggested here to-day that hereafter these annual meetings be held later in the year. Has that suggestion been carefully considered? Sometimes food commissioners when asked for a ruling reply that the opinion will be held until after the annual convention meets. This is a serious matter to persons who are engaged in manufacturing and packing. Such delays may place their interests in jeopardy. Their goods must be packed in season. Convention rulings should be made before the packing season rather than after. If made after the season they should not be retroactive.

Gentlemen, I thank you for your kindly attention and for this opportunity to address you.

PRESIDENT BAILEY: The next will be an address on the subject of the Manufacture and Preservation of Meat Products, by Mr. Charles E. Lee, representing Libby, McNeil & Libby, packers of meat, of Chicago.

MR. LEE'S ADDRESS.

Charles T. Lee, Sales Manager Libby, McNeill & Libby, Chicago.

It is due the gentlemen gathered here that I should state that until I came to the city I expected that I was to follow in an extemporaneous discussion of Professor Mann's paper on "Meat Preservation." Therefore I am not prepared with a paper of the length or the careful preparation that this audience merits, for I realize that men who give the time and attention to these matters that you do are deserving of the very best and most mature thoughts that can be given to them in their annual convention.

Thus far you have given most of your attention to products that require chemical antiseptics to maintain their condition. We are now to consider a class of cooked meat products that do not require the use of preservatives, antiseptics or coloring, because all ferments and germs are destroyed by heat sterilization.

As I look over this audience and recognize the distinguished names on your program, I realize that it will be difficult for me to give you any new information. If, however, we can in the time

allotted to this subject, gather in concise form some of the ideas and thoughts that will be of benefit to you in your work and an aid to us in increasing our business, we will, I think, have accomplished the object desired by those who prepared this program. For I take it that you are gathered here not only to protect the consumer, but also to assist the producer of honest goods.

When in 1812, at the request and expense of the French Government, Professor Francois Appert published an article, entitled, "The Art of Preserving Animal Substances with all Their Natural Qualities," it was claimed, on the English side of the Channel, that he gave to the world no new or original ideas, but the fact remains, nevertheless, that this was the foundation of an industry that has since been a very important factor in the advancement of science and discovery, and in the enlargement of American industries.

Many of the rules laid down by Prof. Appert in that article are still used, and he certainly gave, with more accuracy and precision than ever before, the process for cooking and preparing meats in bottles, jars and pots, so as to destroy, by heat, all ferments and germs, and gave instructions for hermetically sealing these receptacles so as to maintain vacuum, thus preventing fermentation and putrefaction.

Professor Appert followed this article of 1812 by a book, which he published in 1831, entitled, "The Art of Preservation of Animal and Vegetable Substances," and he showed that he was a persistent and progressive student by in 1839 being the first to suggest the venting process now so generally used by most canners.

The preparing and cooking of meats in the kitchens of the great packing establishments under the Appert process has been a great benefit, because it has transferred the labor from the housewife and maid in the home to thousands of skilled workers in the packing house and it has made possible the preparing for future use of the most satisfactory articles of food that can be required for the quick and convenient luncheon at home, for expeditions of exploration, for the feeding of great armies in the field, and the thousands who are isolated from fresh meats in out-of-the-way places.

The English Government was quick to see the advantage of meats in tins and supplied large quantities to their soldiers in the Crimean War, and since that time canned meats have become a regular ration for the armies and navies of the world.

In late years the business has expanded until now there are employed by Libby, McNeill & Libby alone over thirty-five hundred people, preparing and packing in tins more than one hundred varieties of meat products for distribution to every nation in the world. And great advancements

have been made in methods of preparation and in the quality of the cooked product.

I am glad of the opportunity to say a word in reference to meat products to you, gentlemen of the dairying interests, and to you other gentlemen who occupy official positions of inspection, because the better the condition of the cattle when they reach the market, and the more careful the inspection, the better it is for those packers who desire to turn out only the highest quality of goods.

Under our present method cattle, meat and finished products are all carefully inspected by Government, State and city inspectors, and the articles marketed are appetizing, healthful and nutritious.

I quote Baron von Liebig, who stated that meat loses more nutriment by curing and salting than by cooking and canning, and I also quote from the report made by Doctor Wiley of the National Bureau of Chemistry, for 1902, in which it is stated that a can of thirty ounces of roast beef contains the equivalent of forty-eight and nine-tenths ounces of fresh beef and would contain everything of value in the fresh beef, with the exception of a portion of the fat. This conclusion was reached after the most careful investigation of the packing methods of our establishment.

The canned meat industry merits your interest and attention, because it makes possible higher price for the farmer's cattle; it gives employment to American labor; it makes the work of the women we love easier; it makes possible expeditions of investigation and exploration that could not otherwise be conducted, and it also brings into the United States annually many millions of dollars from foreign countries that would not otherwise be distributed in our country.

For Libby, McNeill & Libby I extend to you a most cordial invitation to visit our plant and to make the most careful investigation of our methods, and we ask your assistance in building up our industry, realizing that you have the interests of the American producer at heart and are willing to assist him if he is fair to the public whom you represent.

MR. ALLEN: Mr. Miller has just been on the floor, but there is one point I would like to have him express and bring out his views on, and that is of saccharine. It will take only a few minutes, and since that is an open question I would like to hear from him on that line.

MR. MILLER: I would say that my own view of it is that I should discourage the use of it, and I certainly would never permit the use of it without a statement of that kind on the label.

PRESIDENT BAILEY: I understand that is to mean not only in corn, but every other food product?

MR. MILLER: Yes, sir.

PRESIDENT BAILEY: I have here a resolution that has been handed up by the jobbers of food products in St. Paul and Minneapolis, and which I will ask the secretary to read.

The resolution was read and referred to the Committee on Resolutions.

PRESIDENT BAILEY: It is now getting late and we have not exhausted the program, but I think we had better bring it to a close for this afternoon. As I understand it there will be no evening session unless it shall be desired by this association, although we could put in an evening very profitably, and the business part of this meeting will come to a close to-morrow noon, after which there is an entertainment program laid out for us, and we will have the reports of the committees on Friday morning, so we will now stand adjourned until to-morrow morning, and if possible I would like to have you all be here at 9 o'clock.

MR. DINGMAN: I wish to extend the invitation again for the trolley ride to-morrow afternoon at 1:15 at the Ryan hotel, because that is where the cars will stop, and from there we will take a very pleasant trolley ride. Now understand, we wish to have all of the others, whether they are dairy and food commissioners or not. We want them to be with us to enjoy the sights that are to be seen.

MR. ANKENY: I would like to ask a question as a matter of information. The secretary has answered it, but I would like you to answer it and give the rest the benefit of it. I have heard no committee on nominations, and surely it seems to me we want officers.

PRESIDENT BAILEY: That will come up in due time; the constitution and by-laws provide for that to-morrow.

MR. ANKENY: I think the election would be on the last day, but the committee would want a little time to think over the matter.

PRESIDENT BAILEY: The committee will be announced in the morning the first thing.

The convention then adjourned until 9 o'clock a. m. the following day.

MORNING SESSION, JULY 23, 1903.

Convention met pursuant to adjournment at 9 o'clock a. m.

PRESIDENT BAILEY: The program is somewhat long to-day for the time allowed and we will have to be as expeditious as possible. The first thing this morning is an address on the subject of "Corn Products and Their Purity," by Dr. T. B. Wagner.

DR. WAGNER'S ADDRESS.

Mr. President, Ladies and Gentlemen: A short while ago I was honored by a visit from a representative of the Food Commissioner of Illinois, who requested me to attend this meeting and con-

tribute to it by presenting a paper dealing with the industries I am connected with. On the spur of the moment I chose the subject "Corn Products and Their Purity" and little did I think of the matter in the rush of business until the printed program reached me, and then I realized the enormous task before me.

I fear I might tax your patience were I to attempt to give you a full review of the imposing number of operations and manipulations necessary to obtain our products in their final state of perfection and purity, in which they reach the consumer, however, I consider it rather necessary to briefly outline the treatment which the corn undergoes in our factories.

The corn bought by us is of the No. 2 and No. 3 quality. To remove impurities, stones, dirt, dust, iron, etc., it passes through cleaning and separating machinery, and it is then delivered to the steeping tanks, huge vats, wherein the corn is soaked in warm water. This treatment brings about a softening of the corn and facilitates the subsequent separation of the germ, which is effected after it has passed through a preliminary grinding whereby the corn is broken up and the germ set free. The balance of the material is now ground very finely in Buhr mills, the coarser part, namely the bran, being separated by running the mass over silk sieves, while the starch liquor is concentrated and sent over slightly inclined planes, the "starch tables," upon which by a process of settlement and washing the clean starch fills up in a solid layer; the lighter ingredients, gluten, fiber, etc., are carried off in the current of water, over the end of the starch tables. We have thus obtained, first, starch from the tables, which represents the raw material of the corn starch and glucose manufacture; secondly, the bran, which is dried and ground and put on the market as a cattle feed. The protein contents of the latter average 14 per cent and its nutritive value is expressed in the ratio of 1.6; third, the gluten, tailing off the tables, which is also dried and ground, and sold as "gluten meal," its protein contents averaging over 40 per cent and its nutritive ratio 1:1.5. A mixture of both, in certain proportions, gives us the "gluten feed," which to-day enjoys the distinction of being the best cattle feed on the market, a statement which is amply corroborated by the fact that at the principal cattle shows the cattle, fed on "Buffalo Gluten Feed," always carry off first honors. Finally, we have the germ, which we will give attention further on.

It has been customary to place these products, together with the oil and oil cake, derived from the germs, in a group by themselves under the generic term "By-products," however, the manufacture of these products has within the last ten years undergone such a remarkable and marvelous

evolution, that to-day the term "By-products" no longer applies. They form as integral a part of our manufacture as starch and glucose, and their preparation must necessarily receive the same watchfulness and care. This evolution is particularly apparent in that product known as "Corn Oil." The process for separating the germs from the balance of the corn kernel is the invention of Dr. Arno Behr and is at once the simplest and cleverest of operations. Very few germs escape the separation from the ground corn, and it is this operation that requires the most careful and insistent attention of the operator. Washed and dried, the germs are delivered to the oil plant, where by means of hydraulic pressure the oil is extracted, whereas the residue of the germ is obtained in the form of a cake, "Corn Oil Cake," also a choice cattle feed, the demand for which is constantly increasing, particularly abroad.

The corn oil business of to-day is of considerable proportions, reaching an output of 600 barrels per day in the factories with which I am connected. Recently we have succeeded in splitting corn oil into two more products, namely, glycerine and fatty acids, of which the latter furnish the soap-maker a superior stock at a lower cost, lower, considering the yield and the fact that for saponifying soda ash may be used in place of caustic soda; the glycerine enters chiefly into industrial uses, namely, the manufacture of nitro-glycerine and dynamite. When properly refined, glycerine for pharmaceutical purposes may be obtained from it.

Returning to starch, we saw same obtained in its raw state, which as I have said before, form the basis of gigantic industries; starch, glucose, grape sugar and corn syrups. Confining ourselves to starch for the present and following the process, we find that the raw starch is broken up, washed and syphoned repeatedly, run over refining sieves of fine silk, which remove the particles of fiber still adhering, and is finally delivered to the drying kilns, where the starch remains a certain length of time until its contents of water have been reduced to about ten per cent. Subsequently pulverized, we have corn starch in its highest purity, a purer product than which is not known.

I have attempted to show you on broad lines how this product is made, what operations are necessary to obtain it and I do not believe that any objectionable features in the entire process of manufacturing can be found. American corn starch is *the* starch for culinary purposes. Its application is most general and universal; our "Kingsford's Corn Starch," for instance, is a household word at home, the same as our "Maizena" abroad.

We manufacture from dry starch a number of products such as Dextrines, British Gum, Special Mixture, American Gum, Gum Paste, etc., prod-

ucts which I shall not discuss at this time, as their application is limited almost entirely to technical purposes.

Next to corn starch, glucose is the principal product obtained from corn, and its importance as a commercial commodity and a food product justify me in dwelling upon the subject.

What is glucose? Truly had this product, when first put upon the market, been termed corn syrup, or starch syrup, as it properly should have been, much confusion would have been avoided and much, if not all, the prejudice which has existed for years, would never have arisen.

The word "glucose" imparts to the scientific man the synonym for dextrose, pure dextrose, and therefore, he cannot consistently apply that term to the commercial product. The manufacturer on the other hand, ignores the chemist's definition, and applies it to his product which is principally a mixture of dextrose and dextrine. To make matters worse, the word dextrose has also been applied by some to the commercial product. In this country, we distinguish between grape sugar, which is a crystallized product, and glucose, which is corn syrup, in England, however, it is called solid and liquid glucose.

Glucose, as you know, is one of the sweet principles of fruits and is the chief constituent of honey. It cannot be denied that these natural "occurrences" are rather large, but they can hardly be considered attractive enough for commercial exploit! The methods of manufacturing glucose have been so thoroughly studied and developed that to-day the manufacture offers no difficulties, and the manufacturer is assured that his product will be of the same high degree of purity the year round.

The manufacture of glucose consists in converting the starch into dextrine and dextrose, the same as any starchy food is converted into glucose by the saliva and the secretions of the pancreas and intestines. Thus every human stomach may be considered a glucose factory en miniature.

In the glucose works the conversion is carried out by stirring the raw starch with a large body of water and subjecting this mixture to high heat under pressure. As soon as the "test" is obtained, indicating that the conversion has been carried to the desired point, further conversion is arrested. All that remains to be done is to clarify the glucose liquor over bone black in the regular manner, customary in cane sugar refineries, and to boil it down in vacuo to the required density, which varies from 42 to 45 deg. Be.

It is thus obvious that glucose is prepared in a manner which justifies no criticism whatever. The point has been raised that glucose is an artificial product and could, therefore, not be employed in place of cane sugar, which is a natural product. If cane sugar is a natural product, glu-

cose must come under the same head, and if glucose is an artificial product, cane sugar must be classified as such. For this reason: When the sugar juice is squeezed out of the stalks, it is treated with lime or with gases of sulphur dioxide, or the juice is subjected to superheat or other clarifying processes and finally boiled down to grain. And on top of that the "bleach" is added to the sugar in the centrifugals. I think you will agree with me that when it comes to chemical treatment cane sugar leads! The same applies to beet sugar, and, in a measure, to sorghum.

I have intimated before that in former years the manufacture of glucose had not attained the high degree of perfection of to-day. As a mitigating circumstance, it must be admitted that almost every branch of the industries has to pass at some time through a period of intense struggle before its existence is acknowledged as legitimate and of benefit to the development of human progress. The glucose industry was not spared this critical time.

Let me recall to your mind that formerly the rule of thumb reigned supreme in glucose factories the same as elsewhere. This had to give way, however, to modern and scientific methods as the result of diligent research, which called into service the skill and untiring labor of excellent men, scientists as well as engineers.

The primitive methods then in vogue were guarded with great secrecy, and, indeed, everything connected with the production of glucose was surrounded not only with secrecy but with mystery.

It is not surprising that suspicion was thus directed against glucose, but it is safe to assume that the systematic warfare, which was carried on against glucose, was instigated by interests whose very existence seemed to be jeopardized by the rapid growth of the glucose industry. This agitation against glucose finally reached such proportions that the government felt called upon, in the early 80's, to refer the question of its alleged harmfulness to the National Academy of Sciences, a body incorporated by an act of congress and composed of the most eminent men in almost every branch of science.

After a thorough investigation, extending over almost two years, a committee consisting of Professor Geo. F. Barker, University of Pennsylvania, Professor Wm. H. Brewer, Yale University, Professor W. Gibbs, Harvard University, Professor Chas. F. Chandler, Columbia University, and Professor Ira Remsen, Johns Hopkins University, reported that the processes employed in the manufacture of glucose are unobjectionable in their character and leave the product uncontaminated, and that glucose is in no way inferior to cane sugar in healthfulness, and that no deleterious

effects upon the system could be noticed, even if taken in large quantities.

So much in vindication of glucose. Let us now look into the merits of glucose as a food product. A most valuable contribution on this subject has been furnished by Dr. Wm. Murrell of England in the "Medical Press and Circular," May 1, 1901, from which essay I quote the following:

"Commercial glucose is not only a food, but a most excellent food. Two of its constituents, maltose and dextrose, are sugars, and are of the greatest possible value in the animal economy. The third constituent, dextrine, is half-way between starch and sugar, and as soon as it comes in contact with the saliva and the secretions of the pancreas and intestines is converted into sugar. Much has been made of the fact that there are two varieties of dextrine: Erythro-dextrine, which gives a red or violet coloration with iodine, and achroo-dextrine, which does not give the reaction. It has been suggested that a small proportion of the dextrine, presumably the achroo-dextrine, is not absorbed and is consequently of no value as a food, but the experiments on which this statement is made are of little value, seeing that they were the result of observation conducted in glass vessels, such as test tubes. The conditions are not identical with those which prevail in the human body, for it is well known that the rapidity of the diastatic action is much increased by dialysis, that is, by the removal of the finished products, maltose and dextrose, which takes place normally in the intestines, but for which no provision is made in the laboratory experiments conducted in glass vessels. Even if an infinitesimal portion escaped conversion by the secretions of the mouth and pancreas, it by no means follows that it would not be assimilated and used as a food, for physiologists are now agreed that any remnants of dextrine, not so acted on, are absorbed by the cells which line the intestines, and are by them converted into maltose and dextrose, that is, into active food constituents before being turned into the blood stream."

Apart from physiological considerations we have chemical proof that glucose is good food. Dextrine is the active ingredient of some of the most popular children's and invalids' foods, which are constantly presented in all kinds of acute illnesses, when other forms of nourishment, with the exception perhaps of milk, are contra indicated. Maltose and dextrine are admittedly good foods and dextrine is the third important ingredient of commercial glucose.

The question whether commercial glucose is indigestible, is readily disposed of. There is good reason for supposing that it is more readily assimilated than cane sugar, for the latter has to undergo a process of inversion, that is, it takes

up water and is converted into dextrine and maltose before it reaches its final stage. From this it follows that not only is glucose a good food, but that it is a valuable nutritious agent, comprising all the best qualities of the carbohydrates.

What I have said about the merits of glucose has in substance been indorsed by Dr. H. W. Wiley, Chief Chemist of the U. S. Department of Agriculture, who, if any one, is qualified to speak on food products.

The occasion was the taking of testimony before Senator Mason in connection with the establishment of a National Food Law. As a matter of fact, no one having a reputation at stake could afford to talk alarmingly regarding the wholesomeness of glucose, nor could he speak disparagingly of its merits as a food.

That time has passed and the outcome of it all is that whereas only 30 years ago not a pound of glucose was produced in this country and every pound had to be imported from Europe, these imports have ceased and we now export glucose to the extent of several million dollars every year. The glucose business is an industry which had to encounter possibly more difficulties and obstacles in its career than most others, but which has finally overcome them all and is here to stay.

We shall now take up the subject of corn syrups. Before entering upon its details, however, it will be of interest to quote a few statistical data, which will be a serviceable introduction and give you a fair idea of the magnitude of this particular industry.

The production of cane syrups in the Eastern and Southern sugar refineries is estimated at 246,000 barrels per annum. Of this 60 per cent is sold for export, leaving 40 per cent for home consumption, equivalent to 138,400 barrels; deducting from this 20 per cent for syrups used for manufacturing purposes, we find that 110,720 barrels represent the total amount of the home consumption for table syrups from this source.

Louisiana's output is estimated at 400,000 barrels, which is equally divided between table syrups and manufacturing purposes.

Add to the above the cane syrup from Georgia, the sorghum from Ohio, Missouri, Kansas, Iowa and Kentucky, all in all about 80,000 barrels, the table consumption of cane syrups and sorghum will be found to be a little less than 400,000 barrels per year.

Against this the production of corn syrups for table use aggregates a total of 1,350,000 barrels per annum. These syrups contain on an average about 10 per cent of cane syrup, equivalent to 135,000 barrels; deducting this from the total of 400,000, we have left 265,000 barrels of cane and sorghum syrups, against 1,350,000 barrels of corn

syrups, or, in other words, for every barrel of cane syrup and sorghum there are sold five barrels of corn syrup.

These observations lead to the following conclusions:

First. The demand for syrups exceeds by far the supply furnished by the cane sugar and sorghum refineries.

Secondly. Corn syrups meet this demand.

Thirdly. Corn syrup is a superior table syrup of recognized merits and a necessary commercial commodity.

These figures furnish the further proof that the manufacturers of corn syrup have succeeded in preparing a product replacing to a very large extent what once was the only available supply of table syrups; they mean that the consumer has put the stamp of approval on corn syrups and gives them the preference over others. This preference is merited because a comparison based upon appearance and taste and wholesomeness of the products in question will not fail to give the reward to corn syrups.

Large, nay enormous, as the demand and consumption of corn syrups may appear, let me assure you that this industry is still in its infancy. I make this statement deliberately, for these reasons: Up to the present time we have never made an effort to reach the consumer, leaving this entirely to the middleman. We have had no means of advocating to the consumer the use of corn syrups, of telling him what these syrups were, why he should use them and what they meant considered as a food. On this account the development of the syrup trade has been somewhat retarded, paradoxical as this statement may sound in view of the statistics enumerated before, but I am safe in stating that rapid progress will now be made. We have recently succeeded in preparing a corn syrup which we believe and which we claim to be the purest, most wholesome and most palatable corn syrup ever produced and which henceforth will be the standard for syrups in general. This syrup, under the name of "Karo Corn Syrup," is already well known, as well as the legends:

"Golden Grain made into Golden Syrup,"

"Better than honey, for less money,"

"The great spread for daily bread."

It will not be long before young America will know all about "Karo," and we may safely leave to them a part of the propaganda for this new corn syrup. I have stated before the remarkable consumption of corn syrups. When we consider that the sales of corn syrups outnumber five times the sales of all the so-called natural syrups combined, we are justified in stating that the time has come when the standard of syrups should be so changed as to meet the demands of the present day.

Glucose is no adulterant of syrups; it is the legitimate and principal component of table syrups.

I again quote from Dr. Wiley, the citation being taken from his essay on the "Rotary Power of Commercial Glucose," to-wit: "Syrups of commerce are glucose adulterated with so-called cane syrups." Making a slight modification by substituting "blended" for adulterated, I most heartily indorse Dr. Wiley's definition, which then reads as follows: "Syrups of commerce are glucose, blended with cane syrups."

This is the true and correct definition of table syrups.

I want to qualify this statement. It is the correct definition as long as it is exactly what the label makes it appear. If such a mixture be labeled corn syrup, it discloses the true nature of the syrup. However, if such a mixture were marked "Pure Louisiana Molasses," it would, most assuredly, be a fraudulent and misleading label, although corn syrups are far superior to Louisiana molasses. Anyone, of course, knowing the conditions of the Louisiana sugar industry, could not be misled, because the introduction of the centrifugals, the boiling in vacuo, the subsequent recovery of the second and third sugars on one hand and the centralization of the sugar mills into few works of large capacity each, whereby the owner of the smaller mills becomes merely a producer of sugar cane, selling same to the larger works instead of working it into sugar syrups, all these facts tell him that the old-fashioned open kettle Louisiana molasses are fast decreasing, if not disappearing, and that consequently there cannot ever be enough to go around. However, selling a corn syrup under the misleading name of Louisiana molasses would nevertheless remain a fraud. Here the reputable manufacturer is in full accord with the establishment of proper food laws, an object for which this Association has labored so hard and whose earnest efforts in this direction should win for it the gratitude of the American people.

Corn syrup is a synonym for glucose. "Karo" Corn Syrup, "Kairomel" Corn Syrup and other syrups of this class are the synonyms for table syrups, made from corn syrup by blending same with cane syrup. Anyone, therefore, buying table syrups under the name of corn syrup knows what the package contains. No one, asking for a corn syrup, would expect to receive molasses or cane syrup.

This subject raises another point. In a number of states the pure food act makes it obligatory to state on the label the composition of the contents. Such a law is not equitable in the case of corn syrups, because the label speaks for itself. What kind of blending material we incorporate and just what the formula is, this is the legiti-

mate and exclusive property of the manufacturer and no law should compel him to disclose what is to him his stock in trade. Let the label state the true contents of the package and the consumer cannot and will not be deceived.

This very subject furnishes elaborate material for discussion, but I fear I have transgressed upon your indulgence and will, therefore, limit my views to the thought expressed.

I have attempted to give you an insight into an industry, attractive because of the multitude of its products and the almost unlimited possibilities of their further development. The industry of corn products has indeed a most magnetic fascination woven around it. Much has been done to bring it upon the high plane it occupies to-day and much remains to be done. What has been accomplished in this wonderful industry fills one with awe and pride, particularly so because it is a great American creation, the typical American industry. The products leaving our factories reach into millions of tons every year and each pound proclaims at home and in foreign lands the worth, the sterling worth of Indian Corn and carries with it the message:

"Aye, the Corn, the Golden Corn,

Within whose yellow heart there is

Of health and strength for all the Nations!"

PRESIDENT BAILEY: There are two gentlemen who were upon the program yesterday and who would like to be heard for a few moments this morning. One of them is Mr. Frank H. Madden of Reid, Murdock & Co. of Chicago. As Mr. Madden does not seem to be present I will call upon Mr. Chandler of Franklin MacVeagh & Co. I am informed that Mr. Chandler is also not here, so we will hear from Mr. H. B. Gurler of DeKalb, Ill., who has a national reputation for his dairy products and who probably has reached the highest scientific point attainable in dairy products.

MR. GURLER'S ADDRESS.

Ladies and Gentlemen: It is an unexpected pleasure for me to be here, as I did not expect 24 hours before I left home that I was going to be able to be with you. I have not had time to prepare any paper. If I had had to do that I certainly could not have addressed you at all, and I must start from notes that I have made since I left home, and several have suggested that in my talk I give a description of my work in my dairy, which I had not intended to do. I feel a little delicate about forcing or crowding my own field of work at the public, but I will first go briefly over some subjects that I had made a note of, and then later I will give a brief description of my dairy work at the farm.

On this question of pure food, I feel that there is too small a percentage of the public who think of milk as a pure food. That conclusion is forced

upon me when I am about the country, as I am a great deal, and, especially in Chicago, where I find so many people that have not given any particular thought to milk as a food. There is no doubt but what we are improving as a whole in the matter of care and cleanliness in the protection of milk. I can see this development in Chicago to quite a marked degree since I commenced my enterprises eight years ago, and their last move in Chicago has interested me very much, especially that feature which requires skimmed milk to be peddled from a red can. That is in force in Chicago now, but only quite recently, an ordinance which requires skimmed milk to be peddled from a can that is painted red, and they all see it; you cannot fool them. There is no question but what skimmed milk has a great value as a food, and it would be a blessing if thousands of people could secure a clean skimmed milk. It would be a blessing to thousands and thousands of poor people. The simple taking of the fat out of the milk has not robbed it of its virtue altogether. In feeding it to the brute young, if we will only feed it to them warm from the separator it is hardly apparent whether the young know we have taken the fat out of it, and what it will do in the brute family applies in a large degree to the human family. There is a difference, of course, in the brute young and the human young, but they are all animals in a sense.

On this question of cleanliness of milk, a few years ago I made the statement at a farmers' meeting that we were consuming more filth in our milk than in any other one article of food. Some of the audience thought I was putting it a little strong, but after the close of the meeting the dean of an agricultural college came to me and said: "Mr. Gurler, you might safely have said we are consuming more filth in our milk than in all other articles of food." This gentleman had just previously completed some experiments that demonstrated the amount of dirt in milk, and he knew more than I did about it. This is deplorable, and the producers of milk do not realize what they are doing. It is a matter of education, you know. They go on doing what they have always done and what their parents have done, and go right along in the same old way. It is a serious question, and how is it to be remedied? The public must rouse up and demand that they receive their milk in better condition. That will do more than anything else, and do it quicker, to bring about better results. There is no question as to that. We get what we go after. If there is a demand for any line of goods, any product, when the demand is sufficient it is supplied.

The thought comes to me in this way at times in this matter of the production of clean milk. Now we think of the way nature has provided of conveying this food from the producer, the

mother, to the consumer, the young: they take it direct; there is no opportunity for any contamination in nature's way of supplying the young with the milk of the dam, but the contamination comes through our human, weak and faulty method of getting this food from the young, or to anyone that is consuming it, and the trouble is from the uncleanly surroundings, the cow being kept in a condition where it is not possible for her to be kept clean. The men that are doing this work, as I said before, and I want to emphasize it, they have no realizing sense of what faulty work they are doing and are deserving of a great deal of censure, but more sympathy. It is largely a matter of ignorance and we must sympathize with them until we can make them realize the necessity of doing better. They are deserving of sympathy to a large extent.

Now I do not need to tell these dairy and food commissioners and these creamery men, I see some of them around here and there is a large percentage of this audience that know these conditions just as well as I do, and I want to say that the dairy and food commissioners of this country have a wonderful field right in this milk field itself. You have got a wonderful field here, and more than you can develop and work up in a generation. I do not know as it is advisable for me to take much time in that way, but I will say: the consumers are becoming interested; they are becoming better informed, and their influence is going to be felt very much more strongly in the future than in the past. I was never more favorably impressed with the truth of that than at a meeting which I addressed a few weeks ago in the ladies' club rooms at Chicago. The meeting was called there in the interests of this Milk Commission and the work that Mr. Strauss, of New York, is helping Chicago to start along the line of feeding the poor babies of Chicago, the babies of the poorer people that are not able to feed their children properly. There were a great many prominent ladies of the city, club women, in that audience, and it did me good to see the interest that was manifested by that element, and I tell you, my good people, it means much; they are a class of people that will make themselves felt, and there is good coming out of it. I have been amused many times at my farm to have people visit there and when I asked them to have a drink of milk they would say no, they didn't care for it, they didn't like milk. Well, I would induce them to take a glass, and as a rule before they had left there they would drink three or four glasses of milk. Now how is this? I cannot illustrate it any better than to tell some instances with children. I have known of several cases where little children that were not old enough to talk that were put upon my milk by the doctors in charge, when they were sick, and when they had recov-

ered sufficiently so that the parents thought it would do to change back, and did not feel that they could afford to pay twelve cents a quart for the milk, and when they would undertake to put those babies back on the ordinary milk they would not drink it and would simply spit it out of their mouths and would not have it at all. I remember an instance of my own little grandsons who were raised on this milk, and the occurrence was a little bit mortifying. They were in my own town, at one of the wealthy families, visiting, and they got their milk as they were in the habit of drinking it at home. Well, the little boys took one mouthful of that milk and pushed the glasses away and wouldn't have any more of it. You can see how the mother felt about it, but she felt pleased to know the boys were well enough trained to say nothing about it; they simply refused to drink the milk. Why, gentlemen, when I am at home milk is at least one-half of my food. When I am away from home I like it if I can find milk that is palatable; I must say that here in St. Paul I have not found milk that suits me when I have called for it, but this is not any reflection on St. Paul, you understand; I don't mean that, but I find that almost everywhere. If I go to Chicago I find the same condition. I have sometimes thought about this matter in this way: milk is a human food, and it is high time that we realized that the cow stable is a place where human food is prepared, and why not have that article of food prepared under as favorable conditions as our other food? Why not have the cow stable in such a condition so that we could have our other food prepared there? I fail to see any reason why we should not. There is no article of food that we consume which is more easily contaminated than milk is. I would just as soon have my other food that I have for breakfast prepared in the cow stable as to have the milk prepared there. There is not one article for the breakfast table that I think would be more quickly contaminated than milk would be. It is time we stopped to think about these matters.

Now this question of preservatives, which I listened to with much interest yesterday, and I will tell you a little incident along that line. Several years ago Marvin Hughitt, Jr., who most of you know of, the son of the president of the Northwestern Road, ordered some of my milk to take up to his camp way up on the shores of Lake Superior, and ordered it through the dairy freight agent, Mr. Allen. He took the milk up there and sent it back in the woods several miles and he used the last bottle of it when it was ten days old, and when he got back to Chicago he said to Mr. Allen, "You don't suppose that milk of Mr. Gurler's was embalmed?" Mr. Allen told him he didn't think so. "Well," he said, "you send for Mr. Gurler, and when he comes in tell him I want

to see him." I went to see him and he told me of these conditions, and he said the last bottle of that milk he used when it was ten days old and he said it was the best bottle of the case. It couldn't have been the best one, for this reason: there had no acid developed, but the cream would have become more solid with age; the cream must have had more body and served more nicely to use on his coffee, probably, off the last bottle than any former bottle, but there could not have been any improvement. That is not possible. It shows what it is practicable to do, and the only thing necessary in the preservation of milk is to have the milk absolutely clean and cool it to a low temperature and hold it there.

I see sitting before me Major Alvord, who induced me to ship milk to Paris, one of the biggest things that has ever been undertaken. I did not have faith enough to do it when he requested me to, but I felt this way: that if there were any others who had faith that I could do it, I ought to have as much confidence in myself as my friend had in me, and I therefore undertook to do it, and did succeed in shipping milk to Paris, and it kept sweet, as the major wrote me, for a week after it reached there, and it was seventeen days on the road.

PRESIDENT BAILEY: May I ask what temperature it was subjected to?

MR. GURLER: I cooled it down at the farm as soon as I could. I went to the farm personally and got things prepared for cooling that milk as rapidly as possible. Then when we were ready we just simply went to the table where they were bottling and sealing the milk and took the first bottles we put our hands on. There was no selection of cows or men or anything. It was just the average milk that was going to Chicago every day. We put those bottles into chipped ice and turned them, kept twirling them in the ice and added a little salt to the ice to cool them as rapidly as possible. Then they were put in a case and packed in ice and sent by express to New York and the Major wrote me they were put in a refrigerator on board a vessel and held at a temperature of 35—if I am wrong I will ask the Major to correct me.

MR. ALVORD: They were several days at 45 and approached 50 along about the twentieth day—along about 45, but not quite as high as 50 at any time.

MR. GURLER: This was in the month of August, one of the hot months, and it is quite a feat to ship milk a thousand miles across the country by express, to say nothing of sending it across the Atlantic. We had done that previously, and felt that was quite a feat.

This shows you what can be done by having clean milk and reducing it immediately, just as soon as possible, to a low temperature, down to

35, or at any rate below 40 degrees, and holding it at that temperature. If that is done there is no need of any preservatives.

MR. EMERY: Won't you tell us how you get it from the cow to the bottle?

MR. GURLER: Yes, I can just as well tell you that now as at any time. I was going to tell you that later. Wouldn't it be just as well if I tell you that in my description of the rest of the work? I think it will come in better then.

MR. EMERY: Have your way about it.

MR. GURLER: I will tell you along that line some instances in Chicago. In my early work the health department sent to the milk platform and purchased a case of my milk. They wouldn't let anyone know who they were nor what was to be done with the milk and wouldn't let anyone know who they were at all. They simply came to the platform, got the case of milk and paid cash for it and no one knew where that milk had gone to, but after a time it came to me that the health department had taken a case of my milk over to the rooms in the court-house building there and put it in a common house refrigerator and they had taken out one bottle each day and tested it for acid and bacteria, and tested the last bottle when it was two weeks old, and Dr. Reynolds told me afterwards that the last bottle was as sweet as a peach, and that himself and some of his subordinates drank the last bottle of milk when it was two weeks old, and I will tell you further of a little work done by the bacteriological department of the Chicago University, under Professor Jordan's management, I think, at that time. They were examining milk from various sources in Chicago, and they sent to Professor Angell and got a sample of my milk and on examination it showed so few bacteria in proportion to the average Chicago milk that they were suspicious of their work and they examined another bottle and tested it before they were convinced they had not made a mistake themselves.

I hope you will realize that I am not doing this talking to blow my own horn, because I have no market up here in Minnesota. I am saying these things to show what is possible, because what one man has done is open to all; there is no secret about it, and there is no reason why anyone cannot do it. I want to emphasize one point I made here, and that is that the greatest factor in securing better milk is the demand of the consumer, and that is coming when they realize what a field there is.

I made an item here in regard to Pasteurizing, but I don't believe I had better talk about it. If we make perfect milk there is no necessity for Pasteurizing. There is no doubt but what a good deal of milk could be made safer for use by Pasteurization, but it is not in my field. I have made a few notes here of things that I thought might

be of help in the way of suggestions to others that were thinking of going into this field. Here is a large field. There is no question about it. If a person will go to work and fit himself up, get the medical profession of the city he supplies back of him and convince them that he is going to do honest work and have them work with him, there are hundreds of places in this country in which this line of work can be developed and be made fairly profitable. There is no bonanza in it, gentlemen. I am surprised at not being able to keep the cost below what I find it has been, and especially has that been true since the advance in the price of labor, and with the advance in price has come a deterioration in the quality of labor. I cannot get as good milkers as I could four years ago, and there is no place on the farm where a poor workman is such a disadvantage as in milking the cow; he gets the cow off her flow of milk and there is no man on earth that can get her back to where she was before. You can get her back a little, but she never can be brought back entirely to where she was. There is no question as to there being a need of proper feeding also, especially for this high-grade milk. The advantage of it is greater, and the need of it is greater than most of us think.

Just a thought here that came to me when I was thinking over this matter. Now I so often see young mothers with their little babies looking worried, sick, and something wrong. The poor mother don't know anything about what is the matter. She hasn't the least idea that she is at fault at all, and in most cases the mother has been working hard, perhaps she has the washing to do, had a family of children to look after and the husband to look after, and the poor woman is overworked and worried and she is not in condition to produce a food for that baby. The brute mother, let her be worried and dogged and fooled around with and her milk would make the babe sick. I have learned this: I can feed the brute mother in such a way as to make the young sick before she is affected. You can feed the sow that is nursing pigs in a way to physic every pig in the litter and you cannot detect a sign of it in the mother. There are thousands of human mothers in this country who are placed in such a condition that it is not possible for them to be able to produce a food that is so good for the babe, her own babe, as the milk from the brute mother when properly fed and cared for. The brute mother does not have but one young to look after and she don't have the male parent to look after; she throws him overboard. The human mother is loaded down; she has got a whole family of children, and she has got a husband many times that it takes two or three women to look after. I speak of these points to show you that there is a field here and there is a demand for pure cows' milk,

properly modified, as it may be in the family under the direction of the doctors, and there is no question but what it will make a better food for the child than it is possible for the own mother's milk to be under the conditions that she is placed in and is laboring under. She cannot help it. She is ignorant of these facts in many cases, and she could not help it sometimes if she knew better; she is placed in such a position that she cannot get away from those things.

Now I will try and give you a brief description of our work at the farm. I will say first that I was induced to go into this enterprise by many of the leading physicians of Chicago, and they labored with me for a year and a half before they could get me to undertake it. I was feeling afraid of the financial side of the question. I could not find anybody that would encourage me very much in the enterprise. The greatest encouragement I could get came from Professor Waters of Pennsylvania. I had worked with him in a dairy school work and he knew me as well as anybody. He said to me: "I know you can succeed at it if anybody can." The tremendous word "if" was right in the way, but I did undertake it, and the first work was to fit up my cow stables, putting in cement floors and cement mangers and a system of ventilation and plenty of light so that we could have things right for a good stable. The next thing was to apply the tuberculin test to the cows to be sure the cows were free from tuberculosis. The first test showed 3 per cent of the cows afflicted with tuberculosis, and that has been about my experience since then. I find I cannot go out and select cows myself that are free from tuberculosis, and I remember in one case I went out and selected three cows and brought them home and found two of them had tuberculosis.

PRESIDENT BAILEY: May I ask how often you make that test?

MR. GURLER: We test them every year, and every cow is tested as soon as it comes onto the place. A veterinary that has had much experience won't take many chances on making a prediction as to whether a cow has tuberculosis or not. After this is the question of feed; we are careful to give them sound feed. We feed silage, and by having perfect silage the silage is sound. The objection to silage is that it is a moist food and if exposed too long to the air decay commences. Now at the condensed milk factory of Borden at Elgin they do not allow silage to be fed, but it is because they do not trust to the care of the people that are going to feed it. They admit silage is all right the way I feed it. I think silage is as much superior to dry feed as canned fruit is to dried fruit, when you use intelligence; I think that is an entirely fair comparison to make, but you must be intelligent. These ladies know if they open up a can of fruit that has not

some of these preservatives in it that the gentlemen were talking about yesterday, that after it has been exposed for a time it goes wrong, gets bad, and the male part of the family would object to it. It is just so with silage. We feed in connection with it hay, clover hay, some alfalfa, and of ground food we feed wheat bran, corn, oats and so on, and try to make up a balanced ration, which we find economical.

PRESIDENT BAILEY: Do you use corn silage altogether?

MR. GURLER: Yes. I never made silage of anything else but corn. My alfalfa I cure and dry and put in the barn. I just started on the day before I left home on my second crop.

PRESIDENT BAILEY: Did you ever try clover in silage?

MR. GURLER: No, I never put clover in silage at all. Now as to the care of the cows, they are groomed daily before milking, yes, twice daily; they are groomed in advance of the milking and their udders are washed before milking, and let me say here regarding this udder washing, I had a peculiar experience. When I started this enterprise I had only one stable of cows in the certified milk work, because the work was small, and I soon discovered when I moved my cows from the other stable into the certified milk stable there was a shrinkage of milk, and it worried me. It was two or three months before I discovered what the cause of that was. At that time my practice was to have each milker take a sponge and pail of water and go over his row of cows before he cleansed his hands and put on his milking suit to do the milking. While I was studying over this question a lady, a mother, gave me an idea that helped me out in my trouble, and it was this: the manipulation of the udder in the cleansing process stimulated the secretion of milk, and to get the best results you have got to follow and work with nature. As would be the case with some of the cows, an hour elapsed between the time the udder was cleansed before they commenced to milk. You have got to second the efforts of nature to help you out. As soon as I conceived of that idea I made a change in my plans, and I have one man who does nothing but cleanse the udders and does that just in advance of the milking, so that the milker follows up this manipulation of cleansing, just keeping about one cow behind all the way around so that there is time for the moisture to dry sufficiently before he commences to milk. As soon as that was done we found we were clear out of our trouble, thanks to the woman. A man never could have got out of that trouble alone.

Now in the milking we reject the first few streams of milk, because they are more loaded with germs that penetrate the milk tube and there is very little fat in that portion of the milk; the

first two or three streams have very little value. We milk through an absorbent cotton strainer. A layer of absorbent cotton is placed between two layers of gauze on top of the milk pail and we milk through that strainer and then the milk is emptied into a covered can in which it is transported to the milk room. There it goes through a centrifugal separator for the purpose of standardizing. We hold the milk at 4.2 per cent fat at all times, and the object of this was to aid the doctors in home modification of this milk for the babies. If the doctor doesn't know what percentage of fat is in the milk, or other products, he does not know how to work intelligently in the modification to fit the individual babe, and there is an individuality in children and no general rule fits them all. I heard a medical man say once in addressing a convention that there was as much difference in people's stomachs as there was in their faces, and I have found, too, I have not been able to produce a milk but what the separator would take something out of it. There are many men here that can tell you much better, and I think Professor Shepard can tell you much better what that is than I can; it is not dirt, it is not filth; it is something that comes from the cow. The milk from the separator runs over a cooler and from there to the bottling machine, where it is bottled and wood cork caps put on the bottle; then we put on a metal seal which is dated the day that the milk is bottled. Then the milk goes into the cases and is covered with chipped ice at such seasons of the year as we find it necessary to use ice, and in that condition it is shipped out.

Now if I have missed anything or left out anything, or if there are any questions to be asked, I would be glad to answer them.

MR. EMERY: In your skimming of the milk do you intend to take out all the cream, or skim it down to a certain per cent and leave a certain per cent in the milk?

MR. GURLER: We take it all out; I say all of it, we are not particular as to that. We take the centrifugal separator and we take practically all the cream out, but as the milk and cream run out of the separator through different spouts we have a shallow compartment in one side of this conductor with a little faucet underneath and we run into that compartment the amount of milk or cream we find we need, or extract a little from it to hold the standard. Now the milk as it has been running up until within a few days has been a little over 4 per cent fat and we take out a little cream. We run the cream into that little compartment and they run down together, the cream and milk not being separated half a minute, and the test being made every day with the Babcock test, and the standard to-day is the guide for the adjustment of this separation for the following day; to-day's work is a guide for to-morrow right

along, so that we get very accurate results. We find we are very seldom off to any extent. Did I cover that point that you asked me a while ago, Professor?

MR. EMERY: Yes.

MR. ALVORD: You did not emphasize your strainer quite enough. It is the king pin in the business.

MR. GURLER: The Major says my strainer is the king pin in the business. That milk pail is getting all over the United States, and I get orders every two or three days. I have got a letter from a man in California that wants to know where to get one of those milk pails.

MR. CRITCHFIELD: Is the milking done entirely dry-handed?

MR. GURLER: Yes, we try to. I am glad you brought up that point. Our aim is to milk dry-handed. Every milker has a wash pail and a towel, and if he gets his hands wet he is required to go there and wash his hands and wipe them dry. Now some cows it is hard to milk and keep the hands entirely dry, some cows with small teats or awkward shaped teats, and it is mighty hard for the man to milk and not get some of the milk on his hands, but if the man will cleanse his hands and keep them dry he can come pretty close to dry-handed milking. The milking that is done in some parts of the country is deplorable. The idea of a man coming from his farm work and sitting down and milking without cleansing his hands or cleansing the cow's udder is certainly not pleasant. He washes the cow's udder with milk in the process of milking. There are thousands of cases of this, and I might say the average conditions are not above that. It is simply deplorable. It is no wonder people don't like milk. That is one of the best reasons in the world why they do not like it. If they could have clean milk and pure milk they would all like it, and there is no way I like milk so well as to take it right from the cow. Talk about animal odors. The average man doesn't understand animal odors or filth odors. I don't find any unpleasant odor in my milk as it comes from the cow. I will take and drink it right from the cow.

I will tell you an incident that occurred at Champaign in our State Dairy Convention. They had been fitting up a new cow stable there and had got it in pretty good shape, cement floors, iron stall work and machinery to give ventilation. I had not seen the stable until the week previous to the dairy convention and I suggested to the professor of dairy husbandry that we hold our banquet in that cow stable. There was a space of probably twenty feet wide down between the two rows of cows, and they fell in with the idea and they fitted up a table and the ladies came out and helped fit up and decorate it with flowers; they were there as neat as you please to help us out,

and we could have milk right from the cow; we could have it off the cooler, cooled with ice water; we could have it any way we wanted it. It was a treat, I tell you; it was an eye opener, and some of the persons it was amusing to see come in; they didn't know when they were invited over to the convention hall where they were going to; they simply had invitations to be there at a certain hour, and when they came in the door here was this table set a distance of some sixty feet, covered with flowers and ladies around there; their noses went up a little at first, quite a few of them, but they settled down all right and everybody went away satisfied. My idea in suggesting that was to drive it home to people how things could be and how they might be, and how it is practicable for things to be. There is no sense in having things otherwise, and intelligent consumers are going to compel us to do better still.

PRESIDENT BAILEY: This is a very interesting subject and I am sorry we can not devote much more time to it. Mr. McConnell wants to make an announcement.

MR. MCCONNELL: Ladies and gentlemen, just a word about our outings, which commence this noon. At 1:15 there will be cars at the Ryan Hotel to take us on a trolley ride to Minneapolis. We very much hope that all can go and we should be disappointed if any one should not go. Provision has been made for all and we want you to go because we love you; we want to show you something of Minnesota, we want to take you up to Minneapolis and one of the first things we propose showing you is a mill where we make flour, the largest mill in the world, and where we believe the best flour in the world is made; we want to show you St. Anthony's Falls, the water power from which turns the wheels that grind more wheat and make more barrels of flour than any one plant in the world. Then we want to show you something of some little lakes near by and then we want to take you out to beautiful Minnehaha. Laughing Water, which has a national reputation, and from there back to Minneapolis, where the courtesies of the Commercial Club will be extended to us this evening, and then the cars will carry us all back here in the evening.

Now we hope that every one will go and that others who may not be here this morning will join us. I have been asked about this entertainment of the Commercial Club in the evening and I want to say it is going to be informal and not a dress affair, and we simply go there to have a good time.

To-morrow at noon we will have a trolley ride around this city and some of the lakes around here, and an entertainment of some kind in the evening at the Commercial Club.

To-morrow morning at 9 o'clock Mrs. McConnell will take the ladies for a carriage ride to parts of the city that can not be seen from the cars.

On Saturday morning we propose to leave here on a chartered train on the Milwaukee road that will leave from the union depot at 9:15 for Lake Minnetonka. I need not say a word about Minnetonka; it is one of the most beautiful spots in the world, not a very large lake, yet it has more than three hundred miles of shore line. There we have a boat chartered and when we leave the train we will get on to the boat, taking in the lower part of the lake in the morning, coming back to the St. Louis hotel for luncheon at 12 or 1 o'clock, and after a rest we will take the boat and cover the upper lake and back to the hotel for dinner at 6 o'clock in the evening, after which the cars will bring us in. Our commercial friends that are here are included in this invitation, which is most cordial, and I hope every one will join us. Now don't disappoint us and I am sure you will have a good time. We have had a good meeting, the results of which I believe will be far reaching.

Now just another word, Mr. President. I called at a news stand down the street this morning to get a newspaper and the lady at the stand said, "Mr. McConnell, this is a different kind of convention from what I have ever seen before; they are the best looking lot of people I ever saw," and she said, "Is this society a temperance society? I haven't seen one of them drunk yet."

PRESIDENT BAILEY: Mr. Gurler is to be followed by Professor M. A. Scovell, director Kentucky Experiment Station. Professor Scovell conducted the dairy tests at the World's Fair exposition and is now experimenting at Lexington, Ky., along the same line.

MR. SCOVELL'S ADDRESS.

Mr. Chairman and Gentlemen: I will not take but a few minutes. I know the time is crowded here and Mr. Gurler has said so many good things that I was going to say, so far as the description of dairy barns and milking and things like that are concerned. I want to say a few words about some modified milk that we are making. At one time, about three years ago, the physicians down in our town invited me to meet them and have a talk on modified milk and I told them I thought we could get some dairy to make this modified milk for them, and that is where I made a mistake, because we could not succeed in getting anyone to undertake the method as laid down by the physicians. Finally the Experiment Station undertook to make it themselves in order to get it started. We had about ten cows that we were milking and they were all healthy cows, and we had the facilities for doing the work. We went

a little farther than Mr. Gurler; we did not make a certified milk, but we concluded to make a modified milk; that is, we agreed to put in any amount of fat the physician might prescribe or advise, so we commenced this work, and on the physicians' prescriptions we would make the kind of milk they wanted, that is, with any amount of fat they wanted in it. At first there was but a few bottles made each day, but we found in less than three years we had to increase our herd, and now we have thirty cows in the herd and we refuse absolutely to sell any milk unless it is prescribed by a physician, because we have such a demand we cannot supply them all. We charge for the modified milk with 5 per cent fat 10 cents a quart; if it is 6 per cent fat, 12½ cents, and from that on to 12½ per cent fat, which some physicians prescribe for babies at times, one dollar a gallon—ten, twelve and twenty-five cents per quart, and we have more prescriptions now than we can furnish milk for with the thirty cows we are now milking. We have also agreed to modify the milk as to milk sugar, the physicians finding that it is impossible to modify the milk after it got to the place unless they came there every day, so that now the physician writes a prescription of the amount of fat, the amount of casein and proteids and the amount of sugar that he wants to have in the milk, and if you had those prescriptions you would think that the babies were brought up on all kinds of milk. It varies from 1 per cent of fat to 12 per cent of fat, and it varies from two-tenths of proteids to 7 per cent in some cases, and then we have to supply extra sometimes by the white of an egg some of the proteids, and the peculiarity of it is the physicians are trying themselves—I will take one illustration: in one case the prescription first was 2 per cent proteids, 4 per cent milk sugar and 5 per cent of fat; this did not seem to agree with the baby and they kept changing, and when they got down to 2 per cent fat, 6 per cent of sugar and 1½ per cent of proteids the baby thrived, and it was almost on its deathbed at the time, and it did well for about two months, and then it did not do well and they changed the prescription again and they had to get up to 8 per cent fat before they got it healthy again, and that baby, although it was very sickly to begin with, is now over a year old and is thriving, but they have changed its prescription from time to time to do that.

You can see the difficulty we are in, but the thing can be done, but we take all the precautions that Mr. Gurler has mentioned in regard to milking, etc., and in regard to the milkers, and we have all cement floors and cement walls in our milk room; they are all of Portland cement and then painted with zinc white. We also have shower baths for the milkmen and every precaution is taken to get things just right. Now this can be

done in every place, and we are making it pay, if you do not take into consideration the trials and tribulations we have and the telephone calls for the director, even at midnight.

MR. EMERY: Have you ever made an estimate of the additional cost of producing milk in this way over the ordinary market milk?

MR. SCOVELL: I have not, but I will say this much: that in any town with a population of about 40,000 or over there is a great demand for such milk and they don't care for the charges—that is, they will agree to pay you whatever is right in regard to the matter, and I will say now that we have babies that are sometimes as old as forty years drinking our milk on the doctor's prescription and several of them are drinking three quarts a day, and under the doctor's prescription we have to furnish it.

PRESIDENT BAILEY: So far this convention has been taken up with discussions on the subject of food products, and they have been handled by men who understand their business. Most of our dairy laws contemplate drink as well as food, however, and we have on the program a paper from a man in Kentucky on the subject of the Purity of Distilled Products, and I presume he is just as well posted in his line as the rest of you have been in yours, so we will hear now from Mr. R. C. Stoll of Stoll & Co. of Lexington, Ky.

ADDRESS BY MR. STOLL.

This is a convention of experts and specialists. We have experts in dairying, experts in chemistry, experts in the purity of canned foods, experts in the use of antiseptics in food, and experts in politics,—each an expert in his own particular line, and each more interested in his own line than he is in any other lines. But I feel in addressing this Convention upon "The Purity of Distilled Products," I am addressing a convention of experts, and I believe that every one here is an expert or is willing to undergo a course to make him an expert in distilled products. Perhaps some of us are as expert as an old judge of the Court of Appeals of Kentucky. This particular judge was an expert in distilled products, and used frequently to get very drunk, and while he was on one of these periodical sprees some of the boys around Frankfort got a monkey from an organ grinder, and tied it to the foot of the bed in which our friend, the judge, was sleeping. A little while after the judge woke up and, seeing the monkey, reached under his pillow and got his pistol and said, "If you ain't a monkey I am in the devil of a fix, but if you are a monkey you are in the devil of a fix."

Kentucky is a famous state. It is made famous by its hemp, by its horses, by its tobacco, by its beautiful blue grass country, but Kentucky has become more famous because of its wonderful

ability to distil the purest and best whisky that is known to man, and its distilleries are anxious that its greatest product go to the consumer as pure and as unadulterated as it comes from the still, and they are anxious that their pure and wholesome product shall not be compelled to compete under the same labels with inferior products which masquerade as pure Kentucky whisky.

Since that time when the first pioneers drove the Indian from his Dark and Bloody Ground and took from the savage his hunting place, and cleared, settled and cultivated God's most fertile and most beautiful spot of land, where dale is replete with nature's beauty, and whose every hill serves as a place upon which to stand and view the grand expanse of blue grass, Kentucky's people have used part of their energies in the manufacture of whisky. While I have been unable to ascertain when and where the first distillery in Kentucky was built, yet history and tradition tell us that its establishment was contemporaneous with the settlement of Kentucky. Ranck in his history of Kentucky tells us that in 1810 that Kentucky had seven distilleries, and in a history of Fayette county I find that "In the early period of the country's history, when the pioneers had to battle with savages and wild beasts, as well as contend with the canebrakes and wild peavines, which, to use a trite expression, stood 'as thick as the hair on a hog's back,' and were likewise exposed to the bite of rattlesnakes and other venomous reptiles, whisky was not only allowable, but it was considered highly essential in every family. It was very rare that a family was found without this antidote against the numerous ills by which they were surrounded, and not only used it as a remedy and preventive, but occasionally took a little, according to Paul, for their stomachs' sake. The jug of whisky was deemed as essential in the family as bread and meat, and far more so than coffee or milk. This constant use of whisky by the pioneers led to its early manufacture in Fayette county, and distilleries were among the first industries introduced after the erection of the cabin, and the clearing of a patch of ground. To mention with any degree of correctness the establishment of the first distillery in the county is impossible at this late day, but that the distillation of ardent spirits was one of the early industries of Central Kentucky there is no doubt or question.

Prior to the time that the United States government imposed a tax upon distilled products anyone could manufacture whisky when and where he chose, but since the imposition of that tax the relation between the United States government and the distiller are wonderfully close, in that while the distiller manufactures his products the government supervises every step of the

distiller while it is being manufactured. In the first place the grain that is brought upon the distillery premises is weighed by the government officials and charged to the distiller. The capacity of the distillery is surveyed by the government. Every tub is accurately measured, and the daily fermenting and mashing capacity ascertained. The grain that goes into the hopper after becoming meal is accurately weighed by the government, and after having been weighed is securely locked and sealed, and can only be used by the distiller in the presence of the Internal Revenue Storekeeper. The furnace doors are locked and not opened except upon application to the government. Every pipe, whether conveying water, steam, beer, low wines or whiskies is painted so that it may be accurately traced. All of these pipes, mashing tubs, fermenting tubs, low wine tubs and high wine tubs are accurately drawn upon plans, which plans are in the hands of the United States collector of internal revenue, the Commissioner of Internal Revenue, and are publicly displayed in the distillery; and, finally the whisky as it is received in the receiving cistern is under lock and seal until it is drawn off into the barrels in the presence of the United States gauger.

When this whisky is drawn off and stamped with what is known as the warehouse stamp, the serial number of which is cut upon the barrel, together with the mark showing the capacity of the barrel, the proof of the whisky, etc., there are seven reports showing the entry of this whisky into the United States bonded warehouse. When placed into the U. S. bonded warehouse, if it is under the watchful eye of the U. S. Government until it is tax paid and put upon the market. Thus you will see that from the time the very first grain is received upon the distillery premises until the barrel of whisky is withdrawn from the warehouse, it is under the charge and surveillance of the U. S. Government, and so the purity and the age of this whisky bears a certificate from the U. S. Government, and the consumer is absolutely sure of its purity and age as he is of the quality of the gold eagle just received from the mint.

Now, this means a great deal to the dealer, but as the consumer (outside of a few favorite sections) is not in the habit of taking a barrel at a time, the Government's guarantee ceases so far as he is concerned, and when he receives whisky in a jug or bottle he must rely upon the honesty and integrity of the wholesale dealer, who in turn sells it to the retail dealer, and it finally reaches the consumer.

Do not understand me to say that these two dealers, viz., wholesale and retail, would tamper with and adulterate this whisky, but I will say this: they have an opportunity of doing so with a very slight chance of detection.

What the distillers want is, that the great consuming public shall have such a guarantee that will insure it pure whisky, and there is but one way that such guarantee can be had, and that is, that the whisky be bottled in bond under the surveillance of the U. S. Government and placed in such size packages as the consumer may desire, and that there shall be a stamp on every bottle, which makes the Government say, "This is pure whisky, unadulterated," and that this stamp give the age of the whisky, so there can be no misrepresentation in any way.

Distillers were enabled to bottle their whisky in bond by virtue of an act of Congress approved March 3rd, 1897; it is provided in that act that distillers may, if they so desire, bottle in bond any whisky not less than four years old and which has been continuously stored in barrels in a bonded warehouse and under lock, the keys to which are held by the United States. This bottling in bond must be done under the eye of a Government Storekeeper. This whisky which has been in barrels is rolled from one Government bonded warehouse into another, and the whisky is transferred from the barrel directly into the bottle, and when the bottle is filled the cork is put into it and the Government Storekeeper pastes over the cork of the bottle a green stamp upon which is printed the name of the distiller, the date that the whisky was put in bond, the date the whisky was bottled and the proof of the whisky. This stamp is issued by the Commissioner of Internal Revenue and says to the world, "*This whisky is what this stamp says it is. It was made by the person bonded at the time, bottled at the time, and of the proof that this stamp says it is. I have kept this whisky under my lock and key. I have kept under my lock and key everything that goes to make this whisky. I know what is in this whisky, and I, the United States of America, say and guarantee to the whole world that this whisky is pure whisky and that it is in no wise adulterated.*"

And so whisky can be bottled in bond under the present law, so far as it goes; but there are some regulations which might be modified, which might be of considerable advantage to the distiller; and all we ask from the distiller's standpoint is, that all proper facilities be given the distiller for bottling his product in bond. For years, all that science and skill and money could do to make perfect distillation has been used by the distiller, and I don't suppose there is any article of food or drink produced that will come nearer chemical perfection than whisky when scientifically distilled, well aged and matured, and it is the desire of the distiller that this product shall go to the consumer in its natural purity. We do not want it improved upon by the addition of any chemical in the hands of an unskilled

and unscrupulous dealer. After years of study and experiment, we think we have the right, and we would be untrue to ourselves if we did not insist upon the right to say that our product shall go to the consumer uncontaminated. We have no faith in this whisky that can be made ten years old in twenty minutes. Whisky can no more be made ripe in twenty minutes than can the green fruit upon the tree. It requires age and proper storage.

Besides the bottling in bond we would like to have another law enacted by the U. S. Government which would provide that: Every barrel of imitation whisky should be branded just what it is, so that the public may understand just what they are getting. It may be that these people who sell this imitation whisky are convinced in their own minds that their concoction is as good as pure straight whisky; but if such is the case, why sail under false colors? When you go into a drug store for whisky you want pure whisky. If there is a Government stamp on the bottle certifying to the fact that the bottle contains only pure whisky, you know what you are getting. Whisky is the greatest and best stimulant known to the physician. It is perhaps prescribed as much as any article by the physician. Why not have it pure? You would not think of using impure calomel or quinine, or any such chemical product. Why, then, are you contented with adulterated whisky? You may ask the question, Why is not this adulterated whisky as good as the genuine? What is put into it to destroy its virtue? Our reply is, we do not know. Some people say that prune juice and spirit constitute the major part of these bogus whiskies; some say rock candy syrup and peach juice are used; still another says that he improved his whisky with green tea, and another says he improves his whisky by putting raw beef in it. These things may all be harmless within themselves, but when you want a pure stimulant you don't care to have an extract of beef with it, or prune juice, or peaches or syrup.

The distiller understands his business. He knows exactly what formula to use to produce a certain result; hence, just what quantity of rye, and of barley malt, and of corn. He knows just how high to scald this grain. He knows just how long it requires to make a perfect fermentation. He knows just what kind of stills are necessary to produce a complete and perfect distillation. This has been the study of his lifetime, and his reputation as a distiller is based upon his knowledge of the business. To say that this gentleman who proposes to convert a little spirits and prune juice, etc., into a ten-year-old whisky in ten minutes—to say that his opinion, his judgment and his product is equal to the genuine article of old fashion, hand-made, sour mash whiskies, is a reflection upon the good sense of the public.

All we ask of you gentlemen is, to lay these matters before the proper committees in Congress. We have but one common interest at stake, and that is, that when a man buys whisky he will get pure whisky. An article that enters so largely into the medical world should be protected; and all that we, as distillers, ask is that our product shall go to the consumer in its purity, and that such laws as are necessary shall be enacted to further this end.

The whisky interest is the greatest source of revenue to the Government. They receive in tax about five times the cost of the original production of the whisky, and the Government per se is interested in this question more largely than is most any other, and therefore it is proper that it should pass such laws.

The public is entitled to pure food, and we trust that every safeguard that is possible will be thrown around the manufacture of pure goods, and that adulterations and frauds may be stamped in such a way that the great consuming public may know such an article when they see it.

RESOLUTION.

Resolved, That we approve of the bottling in bond law as it stands, and recommend that it be modified and extended in any way that would still further facilitate the distribution of pure whisky from the distiller to the consumer.

Now, Mr. President, the few of us who are here from Kentucky think that it is proper that one of us, for all of us, should thank you, in the name of Kentucky, for the hearty welcome given to us by the Governor of Minnesota on the opening day of this convention. And when we go back to Kentucky we Kentuckians perhaps will coin a new expression and we feel that every one who is in St. Paul will use that expression so that "Minnesota hospitality" shall come to be a familiar phrase in every home in the land. The Governor told us that sectional lines were gone, that there was no north and that there was no south, and if some of you could go down into the Southern States with us and see one who wore the blue and one who wore the gray sitting by their fire-side, having their common grandchildren upon their knees, and relating to these children stories of the battles they fought against each other, I believe you all could truly and truthfully say that there are no sectional lines in our country to-day. And Kentucky is proud of the part her sons took in that great conflict. She gave to the Confederacy her president; she gave to the United States its president. And we love the memory of Davis because in public life he was that same Christian gentleman, father, son and husband that he was at home. And we love the memory of Lincoln because he heard when his country called and laid aside his axe in the forest and his oars on the shore, and doffed his old home-spun coat

and donned the robe of the high priest at the altar, and with his conscience as his guide, and with God alone as his judge, he sacrificed his all in life, and every returning year, when the myrtle comes and the violet blooms, the great throbbing heart of the nation, once foes, now friends, covers his grave with flowers, and Lincoln, the Emancipator, will never, never die. And so these forty-five stars in our flag go to make one big star, the big everlasting star of the United States Government; and

"While the lily may droop and its white leaves fall,

And the rose from its stem may sever,

And the thistle and shamrock may fade away,

The stars will shine forever."

PRESIDENT BAILEY: Mr. E. H. Taylor of E. H. Taylor, Jr., & Sons of Frankfort, Ky., will now discuss this subject.

MR. TAYLOR'S ADDRESS.

Mr. President, Ladies and Gentlemen: I have no doubt as I stand up here and survey the members of this convention that it will find it easy to retain the prestige it has secured with the little lady at the news stand for its present pulchritude, but I very much fear Mr. Stoll and I are going to destroy its reputation for temperance.

The generic term "distilled spirits," as used by the Internal Revenue Department of the United States, includes various species that are essentially different, both in character and commercial purpose. There are highwines and alcohol, intended for mechanical or chemical uses, and these may be said to belong to the merchandise class; then comes the food class, rum, gin, brandy and whiskey; then come neutral or cologne spirits of commerce, which I shall class as an adulterant as produced in the United States, if not as to its commercial purposes at least as to its chief use. Now, taking the last completed report of the Commissioner of Internal Revenue as authority, I will give an idea of the relative proportions of the manufacture of "distilled spirits" in this country for the fiscal year 1902, using round numbers for the sake of clarity:

	Gallons.
Alcohol	11,000,000
Highwines	341,000
Bourbon whiskey	20,000,000
Rye whiskey	21,000,000
Miscellaneous	33,000,000
Rum	2,000,000
Gin	1,000,000
Neutral or cologne spirits (the adulterant)	37,000,000

Now, I do not want to get into a lot of dry statistics, but I do want to get certain terminology lodged in our minds; and in order to discuss this question I want to get whiskey differentiated from other distilled products, so I can show how it is adulterated, or imitated.

The manufacture of whiskey in this country is characterized by two distinct processes before it becomes a proper article of commerce as a beverage or medicine, under the generic term "food." It is, first, the result of a distillation of the fermented mash of grain, which produces an alcoholic liquor; second, this alcoholic liquor must be stored in wood for a period of years in order to mature. Both processes are necessary, and both processes are expensive. Because of this necessity of maturation, whiskey differs from nearly every other commodity. The manufacturer who produces nearly any other article can market his goods as the factory turns them out. The distiller of whiskey must wait. He must leave the output of this year (1903) in bond until it matures; and, if, in 1907, the entire population of the world called for his brand of 1903 inspection, he could not sell a gallon more of his 1903 whiskey than he actually produced in that season. Here was an opening for the ingenious and the unscrupulous.

An article of commerce with an established method of production, protected from adulteration by Government officials at every step of manufacture, and through every hour of storage, and having won a reputation for its processes and its protection, hedged around by unique economic difficulties, and rendered rigid in price by an enormous Government tax, commanded a handsome market and a price commensurate with its cost of manufacture. Now, while the Government protects this article from adulteration, from the grinding of the grain in 1903 to the tax-payment and withdrawal of the ripened whiskey in 1907, keeping the entire distillery operations under rigorous surveillance, and guarding the product in the bonded warehouses like the treasures of the mint, the same Government had, or has, upon its statute-books a law which, if it had been framed to promote fraud, could not have been more effective to that end, and neutral or cologne spirits a week old are doctored with coloring matters, beading and aging oils, etc., and sold the day after they are blended as a celebrated whiskey eight years old, or ten years old, as the owner's divination of the public's demand may elect.

Section 3244 of the Revised Statutes of the United States permits the rectification of highwines. If it had stopped there, the word "rectifier" might have had some significance akin to its real meaning. For a time, under the statutes, this character of work was done. The Government then did not allow the highwine distilleries to finish the product into neutral or cologne spirits, as it does now; and upon this privilege being allowed the highwine distillers, the rectification of highwines under Section 3244 virtually ceased. In this same section you will find this, the true definition, of the contemporary rectifier:

"Every person who, without rectifying, purify-

ing or refining distilled spirits, shall, by mixing such spirits, wine or other liquid with any materials, manufacture any spurious imitation, or compound liquors for sale under the name of whiskey, shall be regarded as a rectifier."

His license is fixed at \$100 or \$200, or according to the scope of his operations along these honorable lines; and, under Section 3449 every facility for making a spurious imitation is afforded him. A Government gauger is furnished, not to supervise his operations, but simply to see that he does not use any more proof gallons of neutral or cologne spirits, or distilled spirits of any kind, as the fertile basis for the projected imitation, than he actually accounts for to the fiscal branch of the Government.

This rectifier, duly licensed to spuriously imitate, may turn out from his proof-gallon basis of spirits any quantity or any character of mixture, compound or blend which he may select as the best imitation; he may brand and label it whiskey, and ship it into the market for public consumption, but there is one thing he must not do: he must not help to defraud the Government of one single cent of its mandatory tax. The rectifier's relation to the ethics of business and his attitude toward the health of the consumer are extraneous considerations to the circumscribed department of excise which gathers its toll from his operations. Is it strange that with the sanction of our national laws behind him, the imitator of whiskey should participate in the business life of the United States? A genuine commodity of high commercial value is in demand, a legal method with all the implied integrity of license is at hand for the substitutor, and with the Government gauger at his back, the machinery and materials for adulteration in his hands, and the Government halo about his head, he proceeds to throw into the general market a misbranded, mislabeled article as an abstract commercial proposition, and moves unrestricted in the world of trade, poisoning the principles of commerce and menacing the public health. This "rectifier"—and there was never such a flagrant misnomer on the statutes of any country—can expand any given number of proof gallons of neutral spirits to his heart's content; he can inject into his mixture any ingredient that his caprice or his avarice may suggest. The gauger has no business to know what he is putting in, whether it be a plug of tobacco, a carboy of carbolic acid, fishberries or a bucket of blood. Every "rectifier" obtains with his license the right to protect his particular formulas or trade secrets from a curious Government, and the Government respects the obvious necessity for his privacy. When he is through with the rectifying, or blending or compounding, as it is euphoniously called, the gauger must dutifully ascertain that he has not used a bit more proof gallons of spirits in the

secret operation than were regauged for him at the start. The particular brand of aging-oil or beading-oil, the chemical character of the coloring matter, etc., used, are questions of trade competition, based on the shrewdness of the individual.

The Government says, in effect, that the genuine article shall be known as a "two-stamp" whiskey, and the "compound" article shall be known as a "one-stamp" whiskey. A barrel of the genuine has put on it when entered into the Government bonded warehouse a deposit stamp, and is branded according to its contents, and when it is withdrawn from bond for the market a tax-paid stamp is affixed. The compound cannot go into a bonded warehouse, and it is branded by the rectifier for what it is not. A rectifier's stamp is affixed when the gauger finishes with the rectified package; but the rectifier or blender struggled so successfully against the exposure thus placed on his goods—a Government notice, as it were, to the wholesale or retail purchaser that it was not a "straight" whiskey, but "rectified"—that, strange to say, the department allowed him to replace it by a wholesale liquor-dealer's stamp on his package, after due procedure; and the stigmatic words thus being courteously omitted, to-day there is scarcely a barrel of "single-stamp" or rectified whiskey sold under a "rectifier's" stamp. The distinction of the "one" and "two-stamp" whiskeys is absurdly ineffectual, even with the dealers, and has no more significance with the consumer than the signs of the zodiac.

Now, it naturally occurs at this juncture to ask the proportion of genuine and compounded whiskeys in the markets to-day, and I give you the most conservative estimate secured from the statisticians of the trade when I say that the adulterated goods amount to 80 per cent of the total so-called whiskey; and the best idea I can give you of the proportion as it stood at the close of the fiscal year 1902 is to say that, as compared with the total number of gallons of distilled spirits withdrawn from bond, viz., 101,669,015, there were used for scientific purposes 988,565 gallons; 535,088 gallons of genuine whiskey were bottled in bond; 210,000 gallons were transferred to manufacturing warehouses, and 89,614,964 distilled of spirits were "rectified." Consider that this 89,000,000 represents merely the spirit basis of the compounders' operations, and you have some idea of the adulterated flood prepared for the market as genuine whiskey in a single year.

Now, 85 per cent of the adulterated whiskey is sold in barrels, and 15 per cent in bottles. It is, when packed in glass, that the deception becomes highly artistic. I venture to say that there is not a single bottle of compounded whiskey on the market to-day which is labeled as a compound or a blend, or as rectified, or in any manner to indicate its real origin; and I venture to say that there

is not a bottle of this imitation confronting the public eye which does not masquerade as whiskey.

Had not the National Bottling-in-Bond Act been passed in 1897, giving to the distillers of genuine whiskey a Government guarantee of genuineness, the manufacture of this food species of distilled spirits would have been exterminated, and the demand for it completely supplied with a substitute possessing no single essential quality of the genuine, whilst parading its every virtue.

The difference between the cost of genuine whiskey properly matured for beverage and medicinal use and the cost of the rectified, blended or compounded substitute has offered so great a premium to fraud that it has not only turned the heads of the unscrupulous, but it has come near to dragging into the net 90 per cent of the entire trade. For years substitution and adulteration in the whiskey business have grown under license until the consumer is the legal prey of an unrestricted interstate commerce in the adulterated article. I wish to concede right here that many of the states here represented are striving under their own laws to prevent adulteration of whiskey within their own borders, and I think the highest commendation is due to such provisions.

The National Bottling-in-Bond Act was conceived by the manufacturers of genuine whiskey as a last recourse against imitations. It went before Congress with the strong recommendation of the Commissioner of Internal Revenue, but it was fought by the "blenders" and "compounders" before the Finance Committee as though the very enormity of adulteration, and the stupendous extent of investments in adulterants, made the issue a question of high finance, transcendantly immune from the vulgar sphere of commercial ethics. The powerful influence of the rectifiers obstructed and delayed its introduction. They tried in every way to emulate its provisions. The tenacity of the manufacturers of unadulterated whiskey and the agitation of a proper sentiment in Congress secured its passage. The President signed it, and to-day it stands in the statutes as correct a law in principle as was ever printed in the acts of any country in the world.

Thus incorporated in the Revised Statutes, in juxtaposition with the very laws which empower the rectifier to commit his unbridled adulterations, it presents the strange paradox of making the United States Government afford at one and the same time the best and the least protection to its whiskey of any country on the globe.

One might have thought that the rectifier would have ceased to exercise his license upon the passage of the National Bottling-in-Bond Act, which provided the Government guarantee for the genuine article, but he did not; he merely increased his advertising appropriations, and smilingly remarked: "It may be a good thing for you some

day, if the public ever understands; but how are you going to get the news of this act before the public, with the costs of bottling-in-bond and your narrow profits?" And even to-day, over six years after the passage of this admirable act, the hospital and the household of the invalid are invaded under disguise. A printer can make a label read to suit the man who orders it. The tremendous scale on which some of the rectifiers still work makes some particular brand of the substitute a household word. Colossal electric signs emblazon its name in the public thoroughfares. The traveler gazes from the car-windows and reads it upon bill-boards. It confronts the eye of the pedestrian upon the iron paper-hampers placed upon the sidewalks as municipal utilities. We find it in the clubs and the fine hotels. These wonderful evidences of enterprise appeal to the American admiration. A quick-turned fortune has sprung from a golden investment, and a particular brand of the substitute has become entrenched as a standard and a staple, while a glamor of opulence and prosperity covers up the putridness of the fraud and disarms suspicion in high places.

Aside from these signal cases, notorious to the initiated, there is the rectifier who relies upon the number and quantity of brands he can draw from one and the same tank—the man who can look at the orders in his morning's mail and send out under twenty different labels and style names the shame identical concoction. Both these types of the substitute are as eminently legal as they are eminently fraudulent.

Suppose you are engaged in the whiskey business. Suppose you make a crop this year. Suppose you put it in the Government bonded warehouses to leave it for eight years in order to be able to put it upon the market as an eight-year-old whiskey in 1911. Say you have taken from the bank \$100,000. You have invested it in grain, fuel, barrels, etc., in salaries, in maintenance of machinery, etc., and at the close of the 1903 season you have entered into bond a crop of the highest type of whiskey known to skilled manufacture. **Your investment is now in new whiskey as it stands, and you have just eight years to wait.** But how? Your costs have only begun. As the years go by your volatile product is losing, month by month, in bulk, and at the end of each year you find your commodity growing less and less; and at the end of eight years when you go to tax-pay your whiskey, you must not only compute the interest on your original investment in 1903, but you must go back to the bank outright and draw enough to pay what?—\$1.10 Government tax on every gallon withdrawn or several times your original investment. If your whiskey has leaked out or evaporated beyond a fixed annual allowance for outage, you must pay the tax on what the Government says you ought to have, even if you haven't it in

the barrels. Now you are not through yet. The State has taxed you annually on every barrel. The county has taxed you annually on every barrel. You must pay eight years of insurance to the insurance companies, and eight years for labor to your warehousemen, and when you put your genuine whiskey on the market you have a commodity rendered rigid in price as I have stated, by costs which you cannot evade. Every virtue your whiskey possesses has cost you so much, and when you label it "eight-year-old whiskey" those true words have a significance on the market which make them, as it were, *prima facie* evidence of the values described.

Now I want to go into business. I look in the Revised Statutes, and see a section which says, in effect, "Go ahead and imitate this whiskey if you want to; you can arrange it with the Government. Pay a nominal license into the United States Treasury, and cut loose!" I say to myself, "Well, this is the easiest way to get rich I ever saw," and I get my license. I buy so many gallons of neutral spirits from a highwine or spirit distillery. Of course I have to pay the neutral spirit man his price, which includes his \$1.10 tax, but what's that, these neutral spirits are merely the basic ingredient for my work. I buy so much prune juice, bead oil, aging oil, run in so much water from the hydrant, and lo! before you, the real distiller, have started on the first week of your manufacture, I have put into the channels of trade and in process of consumption a substitute labeled "eight-year-old whiskey" which I made in eighty minutes, and by the time you have held your whiskey in storage for the first of your proposed eight years, I have glutted the market with the bogus, and turned over my capital again and again. This I repeat during the second year of your eight-year period; the third, the fourth, and so on, and when at the close of the real eight years you go to put out your real eight-year-old whiskey, where are you? I have made a fortune, have the country plastered with advertising, and have furnished cataracts of the bogus "eight-year-old whiskey" while you were developing the real.

Contrasting the real distiller of the real whiskey with the producer of the bogus whiskey, Bonfort's Wine and Spirit Circular, of New York, a leading trade-paper, says:

"The distiller, in fact, has a fortune invested in a distillery. The distiller, in fiction, needs no distillery, except an imaginary one. The distiller, in fact, can only make whiskey in one county and in one district. The distiller, in fiction, can furnish goods from his imaginary plant in any county desired. The distiller, in fact, is compelled by law to put the correct date of inspection on each package, the name of the maker, the number of the district and the character of the contents: in a word, he is compelled to tell the truth. The distiller in

fiction is not reminded of truth at all, and his imagination may run riot with impunity. The distiller in fact offers his product at \$10 per case. The distiller in fiction has an imaginary house and offers his at \$7 a case. The distiller in fact says my goods are seven years old. The distiller in fiction says his are twelve. The distiller in fact shows that his goods were bottled in bond. The distiller in fiction says his were too old to bottle in bond.

"Of course, the distiller in fact storms and cries 'Fraud!' and vows the goods are not the genuine product—that the bead is artificial and the color as well; but the distiller in fiction smiles and tells him to prove it to the two hundred thousand retail dealers and to the millions of consumers—which of course it is impossible to do.

"And thus it is (continues Bonfort) that the distiller in fact sits upon his lofty hill of reputation and watches the cheaper product go out as the far-famed product of his State, and perchance of his county; and he knows that he is helpless and defeated, and that his rage is impotent.

"But, reader, when you put yourself in his shoes can you blame him for his rage?"

Bonfort then gives the "blender's" attitude as follows:

"I am not in business for my health. I am in business to make money. At home, with wife and little ones, I am somewhat sentimental, but here at my office I am thoroughly a practical man. I see no reason why I should swim against the current to find fortune, when I can find it so much easier and surer by swimming with the current. The trouble is, that double-stamp whiskeys make small money in these days for a dealer. If you add a lighter or neutral spirit you have done great violence and deserve the penalty of an outraged sentiment. I do not think of these matters very often, but when I do they only serve to amuse me. There is no money in handling straight whiskeys."

Now, again in Bonfort's, in the issue of April 25, 1903, occurs this editorial:

"The fine whiskey business has a great deal to contend with; its pathway—and especially of late years—has been a rough one, and very full of thorns. The more we think of it, and the more we examine into the actual facts, the more thoroughly we are convinced that there is small chance for a straight whiskey, say seven years old, whether bottled-in-bond or not, as against whiskey made principally of neutral spirits, but flavored and richly colored, for the reason that the latter can be sold for very much less money than the former, and the man who prepares it may assert that it is fifteen years old without the least fear of successful contradiction.

"Of course, we can understand why a distiller should resent the substitution of neutral spirits

for whiskey by the wholesaler, but on the other hand (Bonfort goes on to say) there is no difficulty in understanding why a man, when he goes into the wholesale business, should decline the hopeless task of distributing straight whiskeys, and should use neutral spirits so long as his customers exhibit satisfaction, and so long as it is the only channel through which the distributor can secure a reasonable margin of profit."

And again, in its last issue of the current month, the Western editor of Bonfort's, says:

"If we were asked why it was that the prices of well-matured whiskeys have remained so nearly stationary and in the face of such small stocks, we would be compelled to answer that there must have been a great falling off in sales; that dealers find they can use a larger quantity of neutral spirits and a smaller quantity of whiskey, with apparent impunity."

Now, the production of neutral or cologne spirits, the substitute for and adulterant of whiskey, seems to be on the constant increase. If the trade papers may be credited, by November 10th next, the producing capacity of the neutral-spirit distilleries in the United States will be over 600,000 gallons per day; or, in other words, by next fall a maximum run of one single day will result in more neutral spirits than the total amount of genuine whiskey bottled in bond in the entire fiscal year 1902!

These neutral spirits, as many chemists know, are chemically pure—and so, I might add in passing, are arsenic and strychnine. They possess a peculiar virtue, from the rectifier's standpoint, in that they are a wonderful solvent and make any reasonable mixture possible.

That these new spirits are physiologically injurious is a matter of common testimony among experts. As the London Lancet says:

"It cannot be supposed that whiskey merchants take the trouble to store their whiskey for years, unless they know that it is thereby improved from a dietetic point of view."

This is true, whether the newness be of a genuine whiskey not duly matured, and containing fusel oils, or of a chemically pure or solvent spirit which has been put through the last refining alcoholic column of a highwine distillery.

Charles Creighton, M. A. and M. D., the English pathologist, in his article on "Pathology" in the Encyclopaedia Britannica, says:

"By far the most important toxic agent is alcohol, which is often sold in public houses when it has all the powerfully injurious properties of new spirit in it. The enormous excise duty per gallon is apt to make us forget the coarse and cheap nature of the alcohol sold as whiskey; the product of distillation may be purchased new from distilleries at a low rate. The retailing of such new whiskey is answerable for an amount of disease—

to say nothing of violence and crime—which an equal quantity of mellowed spirit would by no means produce. There are some not uncommon forms of kidney disease and of liver diseases which are, in a great majority of cases, the direct result of raw spirits.”

But those of you who have read Dr. H. W. Wiley's striking testimony before the committee on manufacturers appointed by the Fifty-sixth Congress to investigate adulterations in the United States, have seen the best exposition of the whole case that has ever yet appeared in print. Dr. Wiley says:

“The amount of blending which is carried on in this country, I am told, is something enormous. The natural way of making whiskey is the fermentation of grain in the first place. The grains employed in this country are rye and Indian corn, principally. These are the two great sources of our whiskeys. After fermentation is complete, the ‘mash,’ as it is called, is subjected to distillation. To the distillation we have a vaporization of the alcohol, and it is then condensed. The product of condensation consists of water, then common alcohol, and next a series of alcohols which are not common alcohol, but which are known by the general term of ‘fusel oil,’ and finally essential oils and ethers. Fusel oil is a term applied to a mixture of alcohols which have a higher boiling-point and which have a more oily consistency than common alcohol. The ordinary alcohol is known as ethyl alcohol, while the fusel oil contains amyl alcohol and butyl alcohol and various other alcohols. There may be many different kinds. All of these distillations contain essential oils, which give the flavor and odor to the mixture. Now, these crude alcohols which are distilled in this way are not suitable for drinking. The product is raw whiskey. It is colorless—water white—and has an unpleasant taste, and hence in order to make a beverage out of it it must be treated so as to improve the taste. This is what is called aging. For this purpose it is put into casks made of oak, usually slightly burned or charred on the inside. When raw whiskey is put into this receptacle it extracts a little tannin from the wood and a little coloring matter. Then it begins to be slightly colored. This is then placed under the influence of oxygen, and the alcohols, under the influence of ferments, begin to oxidize. When an alcohol oxidizes it forms first what is called an ether. For instance, if we oxidize ethyl alcohol, which is the common kind, it forms what is known as sulphuric ether, the substance which produces anaesthesia. Whenever you oxidize an alcohol of any kind you get an ether. If you oxidize amyl alcohol, you get an ether of a different kind, but still the same general chemical substance. If you oxidize butyl alcohol, you get still another ether. These ethers are all extremely pleasant to the nos-

trils. They are all volatile, giving off odors to the air. They produce a pleasant odor and aroma, and at the same time, by oxidization, they remove the bad taste and poisonous alcohols from the mixture. In the course of a few years, instead of having a mixture which is bad to the taste and smells badly and irritates, you get a mixture which has a delightful odor and taste, and is soothing, not irritating. You get a whiskey fit to drink, instead of raw whiskey. I have stated briefly the chemical process which takes place in the aging of whiskey. Now, this aging, as I say, takes years of time. It is expensive. The whiskey leaks out. There is a loss in volume and a loss of interest on the value of the whiskey, hence it is an expensive process. Now, the manufacture of compounded, or, better, artificial whiskey, has for its purpose the avoiding of this long and expensive process. The makers begin with the pure article of spirits, which in the trade is known as cologne spirits, and which can be made in a few hours by rectifying the highwines of the distillery. The object is to get rid of all the other alcohols that I have mentioned and leave only the pure ethyl alcohol. And the trade name of this is cologne spirits, one of the trade names for the finest variety. The blending begins with this high-grade alcohol, about 96 per cent alcohol and 4 per cent water. To this is added enough water to dilute it to the strength of whiskey, which is about 45 per cent. So here they double the volume, or a little more; right to start with. The next step is to color it; to give it that brown or reddish tint which we are accustomed to associate with some varieties of whiskey. This is done by adding burnt sugar or caramel. The next thing is to supply those flavors which I have spoken of as being due to the oxidization of the various alcohols, and these flavorings are easily made in the chemical laboratory. You can oxidize amyl alcohol and butyl alcohol and form these flavors.

THE CHAIRMAN: May I ask you right there to state in compounded goods what, if any, of the materials used, in your opinion, are deleterious to health?

CHIEF CHEMIST WILEY: I cannot say that any of these materials are unwholesome or deleterious to health when used in moderate quantities. They are chemically the same as those which are produced by the natural methods of aging whiskey. There is something lacking, however. While you can imitate nature, you cannot substitute the artificial for natural products without impairing the quality of the product. There is something almost indescribable which makes a difference between the compounded and the natural products. The stomach and system are very expert wine tasters and whiskey experts, and they will detect a difference, and there is a difference in effect which the chemical laboratory fails to distinguish,

as experience has shown that the injury to health which is produced by, for instance, a little excess in the drinking of alcoholic liquors is very much accentuated when those artificial drinks are employed to the exclusion of the natural product. I say that without being able to state that any single substance employed in blending is injurious to health, because it is exactly duplicated by what nature produces, and yet the whole effect seems to be different.

THE CHAIRMAN: Then it would come under the first class of adulterations, that class which are merely commercial frauds?

CHIEF CHEMIST WILEY: No; I would class this under both heads, without being able to point out any particular thing that causes the injury.

THE CHAIRMAN: It is a fraud upon the consumer, and at the same time injurious to health.

CHIEF CHEMIST WILEY: Yes. I am not able to specify wherein the deleterious principle consists, but it is the general effect which it produces. By the way which I have described, in two or three hours the skillful compounder can make a material which looks like, smells like, tastes like, and analyzes like a genuine whiskey, but still it has a different effect upon the system. The people who drink this whiskey are much more liable to receive injury from it than those who drink the genuine article. Compounded brandy is made exactly the same way as compounded whiskey is made. The essence dealer will sell to the brandy maker brandy essence, and to the whiskey maker whiskey essence. So the fraud is the same in character in both cases.

THE CHAIRMAN: What suggestion would you make as to a bill that could be drawn in regard to these compounded brandies and whiskies, to compel them to mark them for what they are?

CHIEF CHEMIST WILEY: I would not favor a bill which would prohibit the manufacture of these materials, but I would favor a bill which would require them to be plainly marked and stamped by the Government when it stamps its alcohol content. In fact, these compounded whiskies do not go into bonded warehouses, but are simply made and sold direct to the trade, so when they are stamped in the first instance with a revenue stamp the Government officials could easily see that they were stamped what they really are. I was told this by a man well informed. I do not speak of this from personal knowledge, because I do not know.

THE CHAIRMAN: You have no personal knowledge?

CHIEF CHEMIST WILEY: While I am quite familiar with distilleries from a technical point of view, and also with bonded warehouses, I am not personally cognizant of the extent of this practice; but I was told by a gentleman who was well informed that considerably over half of the whis-

key in this country (and there are nearly 100,000,000 gallons used) was compounded whiskey. Less than half was the genuine article, and while they usually mix a little old whiskey with it so as to have the two kinds together, they often sell it purely and simply as it is—whiskey that has no claim to be called whiskey under the real meaning of that term. I am not saying anything against the business of chemical manufacture. That is a genuine and legitimate business. The making of this essence and ether is just as legitimate as the making of steel. Some of the best friends I have in the world are engaged in this business, and they are perfectly honest, upright gentlemen. I would not want any law to interfere with their business. They are just as much in favor of the proposed law as I am. They do not want either of these things to go out of their hands to be used for fraudulent purposes, and they do not like to be *particeps criminis* in this matter.

Dr. Wiley's splendid testimony is conservative in the estimate of adulterated whiskey, and deals almost exclusively with the better class of adulterators.

Now, as I have shown, the profit-margin on the misbranded article is so great, first, to the rectifier, who initiates the fraud, that his advertising appropriations become enormous; second, to the wholesale dealer, that to refuse to give them precedence over the genuine is to let a sumptuous investment go by, and, third, to the retailer, who cannot afford to handle the higher priced genuine brands, when the consumer's demand is apparently satisfied by the fraudulent labels on the artificial. The Revenue Department looks to the revenue of that department of excise. The trade papers accepted handsome advertisements from the rectifiers, and as emoluments increased from these channels editorial allegiance to proper branding began to fluctuate, and—

"Seen too oft, familiar with her face,
They first endured, then pitied, then embraced."

But the trade is initiated, the trade knows all about the whole situation. It is the public with whom the deception works. The general newspapers and magazines sell space to the highest bidder. The imitations are exploited before the public as real whiskeys, and in meeting the demand for real whiskey with lower prices than the actual cost at which the genuine can be manufactured and matured, the public patronage is diverted, and the dishonest compounder laughs at the futile efforts of the honest merchant to expose the fraud. These conditions exist to-day—the National Bottling-in-Bond Act is effective on the positive side, but the distiller is given the burden of educating the public to its significance. The compounder continues to brand his imitation article without restriction.

Let me appeal to this convention from the standpoint of the unadulterated whiskey interests for their endorsement of a bill which will eliminate from the business life of this country such so-called competition. As I conceive it, by no stretch of nomenclature can such misbranders be called or considered rivals in trade, or an artificial whiskey made in 80 minutes, and advertised as an "8-year old whiskey," be adjudged as in competition with the genuine, except as counterfeit money may be considered in competition with the money of the Government; and by one to whom these flagrant frauds are transparent, they must be regarded as they float in the public market as distinct a fraud, both in intent and effect, as is spurious money premeditatedly uttered and circulated as the genuine coin of the realm.

There is no branch of business to-day that needs the attention of intelligence and integrity as does the whiskey business. Let the convention endorse a bill (as the Hepburn or McCumber bill), which goes to the root of these frauds and eradicates them, and let such a bill be passed, and you will see the traffic in spirituous liquors regulated in this country as in no country in the world, for while under the Inland Revenue laws of England there are safeguards of much value, no country in the world has such a law as the National Bottling-in-Bond law. I hope this Congress will give its public endorsement to this Bottling-in-Bond Act. Under its provisions, the genuine whiskey can be put up in bottles after it is four years old, a Government stamp is affixed over the cork, and every bottle goes into the hands of the purchaser under Government certificate that it is unadulterated.

So rigid are the provisions of the act as to purity, that it not only specifically states that no foreign substance can be added to the whiskey, and nothing subtracted except the charcoal sediment by straining through felt sacks, but it even prohibits the presence of any adulterant within the walls of the bonded bottling house; the Government gauger must be empowered by official permit before he can get the original package from the storekeeper of the bonded warehouse where the whiskey has ripened on storage, and the bonded bottling house supervisor assigned by the Government to prevent adulteration, and oversee every step of the bottling operations, must accept the package or packages from the gauger and take them in charge at the bottling house, where every drop of whiskey is kept under official lock and key. The proof of the whiskey may have risen while it was maturing in the bonded warehouse, and the law allows it to be reduced back to 100 by the addition of pure water. Nothing else can be put with it.

Now after it is bottled under the watchful eye of the Government supervisor, the green guaran-

tee stamp of the Government must be affixed, and the officer must see that every stamp properly describes the contents of the particular bottle over the cork of which it is put. These stamps come from the Bureau of Engraving and Printing, at Washington, and are issued by the Commissioner of Internal Revenue by approval of the Secretary of the Treasury. After this little green stamp is affixed over the cork of a bottle of whiskey, it tells you that the whiskey was "Bottled in bond under the supervision of the United States Government in the Distillery Bonded Warehouse."

It tells you the age of the whiskey.

It tells you the proof of the whiskey.

It tells you the name of the distiller.

It tells you the location of the distillery.

It tells you the State.

It tells you the quantity in the bottle.

It tells you the date bottled.

It tells you, by its presence over the cork, under the provision of the Bottling-in-Bond Act, passed by Congress in 1897, that the whiskey it encloses is guaranteed by the United States Government to be free from adulteration.

Even to-day, with this admirable protective act in effect as a law of the land, thousands of injurious compounds are advertised as "pure whiskey," as "adapted to use in the sick room," etc. Guaranteed by whom? By what? Is the little green stamp over the cork? If not, why not? Thousands of spurious, impure whiskeys are invading the sick chamber under pitiless disguise, and these adulterated concoctions are often given by a loving mother to a sick child, and even administered at the death bed by the hand that would willingly be cut off to save.

Allow me simply to make this further remark which I wanted to present to the convention: The statute of the United States, while it has incorporated in it this admirable bottling-in-bond act which enables a distiller to give a government guarantee, at the same time it licenses,—places no restriction, but licenses it,—absolutely, categorically licenses it

MR. JONES: There are other matters on the program this morning, but as it is now 12 o'clock I believe under the arrangements made we are to cease our labors for to-day. Everybody, I believe, in the case of manufactured foods, as well as drinks, as we have heard this morning, is in favor of rulings and standards, and while I have a paper and some of the other gentlemen have some very able papers along this line, I think we ought to have committees to take these matters up and see if something can not be done and before we adjourn I move that a committee on rulings and also a committee on standards be appointed, so that if possible they may report to this body their conclusions, if not at this meeting, at the next.

The motion was seconded and carried and the president appointed the committees as follows:

Committee on rulings—George K. Hutchinson, chairman, Pennsylvania; A. H. Jones, Illinois; J. Q. Emery, Wisconsin; Horace Ankeney, Ohio; A. A. Kaufman, North Dakota; H. R. Wright, Iowa; Alexander McPherson, Idaho.

Committee on standards—M. A. Scovell, chairman, Kentucky; R. E. Doolittle, Michigan; J. H. Shepard, South Dakota; E. N. Eaton, Illinois; William Frear, Pennsylvania; A. L. Winton, Connecticut; Richard Fischer, Wisconsin; S. S. Ladd, North Dakota; J. O. LaBach, Kentucky; Julius Hortvet, Minnesota; Herman Harms, Utah.

The president also announced the committee on nominations, as follows:

M. A. Scovell, Kentucky; Moroni Heiner, Utah; and R. E. Doolittle, Michigan.

The convention then adjourned, to meet at 9 o'clock a. m. the following day.

MORNING SESSION, FRIDAY, JULY 24, 1903.

Convention met pursuant to adjournment at 9 o'clock a. m.

PRESIDENT BAILEY: We have some very important matters to take up this forenoon and the time is short. Some of the best papers have been left to be taken up to-day, and we will now resume where we left off yesterday. The first paper is one by the Hon. A. H. Jones on the subject of uniform labeling, and I am informed that it is one of the most able papers that has ever been presented along this line.

A. H. JONES' PAPER.

Mr. President and Gentlemen of the Convention:

I will hasten as much as possible, for I know that we are pressed for time. Since preparing this paper, a week or ten days ago, there have been some rulings made by the Department of Agriculture, as I have been informed by Mr. Wilson and Dr. Wiley, the Secretary and Chemist of that Department, which have been a very valuable help to me.

The proper labeling of the various food products so that the dealer and consumer, and all who are interested in the question, may know just what the article of food is as well as to have printed on the label the name and address of the manufacturer, packer or dealer, is one of the most difficult propositions with which the State Food Commissioner has to deal.

The righteousness and justness of the rule cannot be questioned. The proposition is self-evident and requires no proof.

Every State Food Commissioner knows, both from his observation as well as experience, that

without this rule being the law he could make no progress in enforcing the food laws of his state.

One of the objects of these national meetings is to obtain uniformity of laws and rulings in regard to the labeling of the various food products for sale in the different states, so that they may be sold for just what they are, and so that the purchaser and consumer may not be deceived thereby.

As soon as we can obtain uniformity in laws and rulings, in regard to the labeling of all articles of food, then the enforcement of the laws prohibiting the sale of adulterated and unwholesome food will be made comparatively easy. When we shall have obtained this uniformity in labeling all articles of food for sale, then the manufacturer and dealer in Illinois will not have to prepare separate labels for Illinois, and those in Minnesota prepare their labels in conformity with the laws of Minnesota, and so on for each state—but one set of labels will answer for each state in the Union, or, to be more specific, if a uniform law and rulings can be secured for labeling the various food products, then substantially one form of labels will answer for every state and territory in the Union.

When we consider that these different articles of food, as manufactured and offered for sale, if pure and unadulterated, are substantially the same in every state of the Union, and their effect upon the consumer substantially the same, then we can understand why the law in regard to labeling these products should be substantially the same.

The term "food," as defined by the laws of the different states, embraces all articles used for food or drink by man, whether simple, mixed or compound; and according to its common acceptation the term "food," as accepted by every state food commissioner, means that which is consumed by man for the purpose of perpetuating life. And when we understand how necessary it is, in order to maintain and prepare health, to have a healthy food product, we then see the necessity for less preventing and punishing the adulteration of the different food products; and when we further see that these laws preventing the adulteration of the various food products can only be enforced when every article of food is required to be properly labeled, showing just what it is, and also containing the name and address of the manufacturer, packer or dealer, we can then see the necessity for a proper label law. For instance: every food law in the Union, as I recollect it, provides that an article of food shall be deemed to be adulterated if any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity.

This requirement will be considered by every honest man to be founded on truth and justice; and it is so fair that the legislatures of the states enacting a pure-food law have enacted it without any modification.

Now, how is this law to be enforced unless the label shall show just what the article or articles or ingredients are that go to make up the food product in question? The "pure food laws" would be powerless to stop adulteration unless this was the law and the commissioner had a right to enforce it.

Another provision of nearly every state food law is that if any inferior or cheaper substance or substances have been substituted wholly or in part for it, then the article is adulterated and the necessity of this paragraph is patent to every one.

Ever since our first parents began business in the Garden of Eden there have been attempts to palm off a cheaper for the better article, and the only way that the consuming public may know that they are not being deceived in this matter is to have every ingredient or substance composing the food product printed or stamped on the label.

Another adulteration of any article of food is that if it contains any added substance which is deleterious, unwholesome or injurious to health.

There is only one way by which the public, the dealer and the consumer may know that this requirement of the law is being kept—and that is by having every substance or ingredient composing the article of food printed on the label.

And when I say that the substance or substances going to make up the article shall be printed or stamped upon the label, I do not mean that it should be printed in some obscure place where the fraudulent adulterant or adulterants might not be seen, and in letters so small that the adulterant or adulterants could not be read, but these adulterated substances should be plainly printed or stamped in letters or type, easily discernible on the front part of the label, and in a conspicuous place so that the same might be intelligibly and easily discernible.

Now, of course, the pure products are salable under their correct names in any state. The label in regard to specific articles is very simple, but when we come to mixtures it is more complicated.

When we remember that practically all the food laws in the different states in the Union are substantially the same down to the general proviso—there are, say, six or seven divisions that shut out every possible adulteration or mixture—then it becomes necessary to make some provision for the sale of harmless mixtures or compounds under their own distinctive names, provided they are labeled so as to plainly indicate that they are mixtures, combinations, compounds or blends.

You ask who is against an honest label law? I answer the manufacturer, packer, jobber or dealer who desires to sell an imitation product for the genuine article.

Those who desire to sell oleomargarine for pure cow's butter;

Those who desire to sell imitation fruit jellies, jams, or fruit butter for the genuine fruit products;

Those who desire to sell an artificial extract for the genuine fruit product;

Those who want to sell a colored distilled vinegar for a pure cider vinegar;

Those who want to sell process or renovated butter for pure creamery butter;

Those who want to mix some substance or substances, ingredient or ingredients with the genuine or pure fruit products or articles so as to lower or injuriously affect the quality, strength or purity of the same;

Those who mix some inferior or cheaper substance with the genuine or pure products so as to lower or injuriously affect their quality, strength or purity;

All those who want to mix, color, coat, polish or powder any article of food, whereby damage or inferiority is concealed, or by such means it is made to appear better or of greater value than it really is.

And I might continue the above list until it embraced every high-grade article of food.

In the state of Illinois, that I have the honor to represent, when the Illinois State Food Law was enacted and became the law in 1899, our inspectors found baking powders that were wholly unfit for food, but there was no way to stop their manufacture prior to the enactment of the law creating the state food department, as the name and address of the manufacturer or packer were not required by law to be on the label. Our inspectors found imitation jellies being sold as fruit jellies, but until this law went into effect there was no way of prosecuting them, as there was no law against imitation jellies being sold as fruit jellies, and no law requiring the name and address of the manufacturer or packer to be on the label—and the same might be said of nearly every article of food on our market.

The importance of correct labels cannot be overestimated when we take into consideration that over eight hundred million dollars are annually paid out for foods in the United States that are not labeled so that the purchaser or consumer might know that his food is adulterated and not in conformity with the food laws of the different states, and that this vast amount of adulterated foods might be replaced with much of the genuine food.

But this is not the most important question involved. The danger of life and health from the consumption of such a vast amount of adulterated

food—a large amount of which is known to be unwholesome and injurious to the health—is the vital question and calls for immediate action!

Nearly four years' experience has thoroughly convinced me that the most effective manner of controlling the evils of adulteration of foods and drinks is by having the laws made thoroughly comprehensive covering the manufacture of all articles of food and drink and the placing of them on the market. These laws should compel the jobber or packer to label, stamp or brand the true name and character of every article of food, the quality and quantity of every package, and the just and true representation of the merits and qualities of every article of the same, placing adequate penalties for every violation and holding every individual, firm or corporation responsible for the character and quality of every article of food manufactured and sold or offered for sale. The enforcement of the label law is helping the honest and legitimate dealer more than he has any idea of, for it is doing away with unfair competition.

The better class of food dealers have had a hard time, because they would not deal in the miserable stuff that these cheap-goods dealers dealt in. They would label their goods honestly and they would not sell to their patrons goods that they knew to be in violation of the state food laws.

As before stated, the prime motive that leads to adulteration is to cheapen the product so that the dealer can undersell his neighbor who deals in honest goods, and this can only be prevented by a right label law and the right enforcement of the same.

The fraud bears most heavily on the poorer class of people, whose financial necessities compel them to buy cheap food and who have no means of knowing what the article is unless the same is honestly disclosed by the label.

The enactment of pure-food laws by the different states and the findings of the commission have caused the national Government to make investigations as to the extent to which adulteration exists. These demonstrations have convinced Congress that some action must be taken to eradicate the growing evil. We must have a national food law, at the head of which shall be a national food commissioner, with full power and authority to appoint assistants, inspectors and chemists, and also to establish a laboratory and make rulings, etc. When we have a national law, with rulings and standards, and requiring every article of food or food products to be properly labeled, stamped or branded, then we, as food commissioners, can prepare a similar law and submit it to the legislatures and with the prestige of a national law secure its enactment. Then we can have substantially a unity of rulings, standards and labels for every state and territory

in the Union. Then no question of interstate commerce will arise. This will take away the original package question. Then we will know no North, no South, no East, no West—so far as the question of labeling is concerned. The manufacturer in New York will not have to consult the label laws of California; the packer of Illinois will not have to consult the laws of any other state, for when he packs his goods in conformity to the laws of Illinois he has met the requirements of the laws of every other state and territory within the broad confines of our republic.

My friends, this is no Utopian dream! This nation of ours has led the nations of the world along every other line of progress, and it will not fail in this, the most important work of all.

PRESIDENT BAILEY: The Secretary, Mr. Allen, has a paper on this subject from Dr. B. H. Warren, Dairy and Food Commissioner of Pennsylvania, which he will read.

PAPER OF DR. B. H. WARREN, DAIRY AND FOOD COMMISSIONER OF PA., ON UNIFORM LABELING.

The old adage, "Straws show which way the wind blows," can fairly be applied to the conditions which surround the sale of all kinds of food products which are at present found in the markets under the greatest variety of names imaginable. That the deception and imposition which have been practiced upon consumers have not only robbed them of many thousands of dollars, but also affected their health and physical condition, cannot be denied. In fact, some dealers have referred to the "so-called good old times," when everything went by default, and when exorbitant margins of profit were the rule and not the exception; when, in fact, anything and everything was tolerated, just so long as the services of the coroner were not required.

On the other hand, how many of the Dairy and Food Commissioners of the several states are today being accused of suffering from the effects of a "pure food mania"? Those who are opposed to the enforcement of the laws very naturally have no good opinion of the law. It is the opposite party—the honest retail dealer and consumer who encourages every movement that is intended for the public good and for the protection of the health of the general public, to whom we must look for our strongest support, the legitimate dealer, the firm that has a reputation at stake, and that does not desire to grasp riches too quickly. These are the supporters of the work we are striving to accomplish.

The people who are imbued with new ideas and progressive suggestions are those who advocate the proper and correct labeling of *all* marketable commodities. They are opposed to fraudulent representations, and will stand by and support the ef-

forts of the Dairy and Food Commissioners to improve market conditions.

The labeling of food products means more than is usually apparent at first glance. Its importance cannot be over-estimated. In very many instances, a bright, flashy lithographic label, with a representation of a highly colored specimen of some fruit, will sell the article quickly, and without even arousing any suspicion as to the fraudulent content of the can or other vessel. The label may not give the slightest cue as to the real content of the vessel; for it may be intended to sell a quince jelly when there is not a particle of that fruit contained in the compound. The goods are put on the market in an attractive style, and their appearance, in many instances, is sufficient to create a brisk and large demand. This is especially true in the anthracite coal mining region of my own state, where attractiveness of package and cheapness are the features that appeal most strongly to the foreign element which is so numerous in those sections.

On the other hand, if a label were modest in appearance, and gave the correct and true description of the content of a package, showing that it was a proper article of food, its sale would not equal that of its more gaudy and fraudulent competitor.

The Commissioner of Pennsylvania is a strong advocate of that system of labeling goods which will be for the best interest of the honest producer as well as the consumer. If the prices received do not permit high-grade goods to be placed upon the market, it is better to have a correct label, so that the consumer may have a fair understanding as to what he is buying; or, if you cannot supply the article in question at the prices obtainable, it is far better to retire from the field. Competition is all right, but should not compel any man to sacrifice his own character and standing in a community.

The question of uniformity of labeling is one that would require more time for consideration than can be given to it in this convention. The Inter-Commerce relations demand improvement along this line. The several states, aided by the national government, can produce legislation that will cover a multitude of the present evils. The proper labeling of goods, after certain standards have been established, would greatly facilitate the work of the Food Commissioners and result in incalculable good to manufacturer, jobber and consumer.

Just what the matter of uniform labeling would imply is a subject for future determination. A committee appointed by this convention could consider the question in its various phases and report at a later period. Whether the mere word "Compound" would be sufficient to identify a certain article could be left to their discretion; or, whether a formula of its composition should ap-

pear on the label, is another point to be considered. In the case of a jelly or preserve containing no fruit whatever, the buyer should not lack the proper information. Where private formulae on genuine articles might interfere with trade rights and privileges, it would not be necessary to print the same. If a firm is known to be honest, a Commissioner would not desire to injure its business, nor would he want it to divulge trade secrets for the benefit of a competitor. The Food Commissioners, generally, are broadminded and unwilling to work the slightest harm or injury to any law-abiding citizen.

In the case of goods placed upon the market by firms who prefer to have their own firm names known instead of that of the maker or producer, it might be well to have them understand that they alone will be held responsible in case of possible prosecutions. In several cases in my own experience the holders of such goods have alleged that they were not responsible—a fallacy that is too transparent for even a moment's consideration. In another case, a prominent firm has certain brands on the market bearing its firm name, but fails to give its home or postoffice address. This is an omission that should also be corrected for the benefit of all concerned. The firm itself in reality suffers the greatest wrong, as such branding may possibly make a purchaser suspicious.

In relation to branding, it is a well-known fact that some packers who supply the trade of a number of states sell the same grade of goods under many different labels. While the contents are identically the same, there is a marked diversity in the branding, prices, etc.

In the same connection it is also proper to explain that there are instances in which the same packages and branding apply to goods of a widely varying character. For example, in one section of the same state, goods are sold at different values as to difference in freight rates or competition, but compared with the prices realized for the same brand at remote points. This is not always due to the duplicity practiced by unscrupulous dealers. This complication makes the work of the Special Agent and Chemist all the more difficult, since where such conditions exist, they have no safe criterion upon which to form judgment of the merits or demerits of such brands; in fact, they cannot be regarded as otherwise than dangerous and unworthy of confidence. If inferior brands were labeled so as to show at a glance that the goods were different from the general production, much unpleasantness could be avoided and hard work simplified.

This plan of deception should be severely punished, as the seller has no valid excuse for perpetrating such wrongs upon the innocent and unsuspecting patron. It is a well-known fact that this practice is more common among the cheaper

brands of goods than in the case of standard, high-priced goods. Very fortunately, and for the honor of the reputable dealers, who are in the majority by far, let it be said that these things are fast disappearing. The speaker claims that everything that can be sold legally should be sold upon its merits, and that where fraudulent practices are discovered and parties violating the laws can be reached no mercy should be shown.

The same variety of goods may be sold within the same state, thus aiding in the complication of investigation, etc. One thing is very certain, however. The leading and reputable manufacturers and producers will do all that lies within their power to secure more uniformity in labeling, and to assist in the eradication of existing evils, as the suppression of an illegal or improper traffic cannot be otherwise than beneficial to their interests. The public demand honest goods, and it is the minority by far that will submit to fraud and imposition.

The question of marking all materials to show their true character when preservatives have been added is a most important one. It is doubtful whether such brands should not be marked in large letters, to clearly indicate that the goods are adulterated with preservatives, as well as state the kind used—whether salicylic acid or boron compounds; and if formaldehyde, that favorite embalming fluid, is used in our food, it is perfectly meet and proper that we should be made acquainted with the fact by the medium of the label.

These questions as well as others are prompted by the increasing magnitude of the work of Dairy and Food Commissioners; and the gentlemen here assembled can alone realize the far-reaching effect and magnitude of the work involved. Interstate questions also enter largely into the consideration of the various matters that relate to the enforcement of our state laws, but with the good work now being inaugurated by the National Department of Agriculture, there need be no doubts nor misgivings as to the future. With a hearty cooperation of the state officials, and a harmonious relationship assured, the growth and development of the question of feeding the American people with the best, pure food obtainable will be at least partially settled. Future generations will certainly partake of the benefits derived in a very large degree; and with pure food and better health, we will have a better citizenship and a higher standard of civilization and greater progress than ever before in our proud history.

I cannot conclude without taking this opportunity to call attention to the value and importance of regular publications detailing the operations of the Dairy and Food officials of the United States. Pennsylvania has adopted the plan, and vouches for the fact that there is no better nor cheaper medium for educating the people and making those

directly concerned acquainted with the requirements of the laws regulating the manufacture and sale of dairy and food products. An interchange of such publications is especially desirable, since the various Commissioners have varying experiences with articles of food in their various sections of this great country.

PRESIDENT BAILEY: This discussion will be opened by Mr. J. Q. Emery, the dairy and food commissioner of Wisconsin.

MR. EMERY'S ADDRESS.

Mr. President and Members of the Association:

The paper submitted by the Commissioner from Illinois seems to me to set forth very clearly the reasons that make uniform labeling necessary, and the conditions requisite for attaining that much-needed result.

Labels should correspond with realities. Hence uniform labeling must be contingent upon uniformity of conditions, (a) as to the foods themselves and (b) as to the laws governing their manufacture and sale.

Specific laws must be the force compelling accurate labeling of food products. It follows that uniformity of labeling is dependent on uniformity of laws. The different food commissioners are limited to the prescriptions of the laws of their respective states, as to what labels they will require or approve. To the extent that the laws of the different states vary, to that extent at least must there be lack of uniformity in labels. The power of the food commissioner is administrative, not legislative. He cannot assume to himself legislative functions in so-called rulings in the matter of labeling, and undertake to compel what the law does not authorize. Uniformity of labeling must of necessity grow out of uniformity of law.

Minnesota and Wisconsin each has a specific law on vinegars. The Minnesota law prescribes that the standard strength of vinegar shall be denoted by the number of grains of pure bicarbonate of potash required to neutralize one fluid ounce of vinegar. The Wisconsin law provides that the standard strength of vinegar shall be denoted by the percentum of acetic acid therein. Here is a difference in specific laws that renders uniform labeling of vinegars in these two states manifestly impracticable. The commissioners cannot rule contrary to what their laws prescribe. Similar differences could be cited among different states.

The food laws of Minnesota seem to provide, in the main, specific laws relative to the adulteration of different food products, whereas Wisconsin adopts the general law on adulteration, borrowed from Massachusetts and Ohio. Manifestly under the differing conditions of laws of these states, uniformity of labeling cannot be expected.

Wisconsin and many other states have a general

law on the adulteration of foods. There are seven specifications in these general laws that are practically identical. So far as these seven specifications are concerned in their relation to simple foods, some uniformity of labeling might be possible. But the general proviso attached to these specifications and relating to mixtures and compounds varies so greatly in different states that, in my judgment, uniform labeling among the states of mixtures and compounds is beyond the realm of present legal possibility.

The requisite leading or pioneer force for compelling uniform labeling is to be found in a national food law. A national standard or model for state standards seems to be a prime necessity. Until a national food law is enacted, the necessary conditions for uniform labeling among the states will be lacking. Until a national food law is enacted, definitely fixing the standards as far as possible and prescribing that food products shall be labeled, and that the labels shall be true to the name and character of the food or product, there is little hope for accomplishing very far-reaching results in the way of uniform labeling among the states.

In this view that one of the fundamental purposes of national food legislation is to furnish a model or standard for state laws, with a purpose of securing as much uniformity as possible among the states, what the character of a national food law shall be becomes a matter of highest importance. If a national law be weak, it will weaken every state law. If it be unwisely framed, or so framed that it contains within its provisions any clause or word that would cause it to become ineffective or inoperative, its tendency would be to produce like defects in state laws. A national food law of such character might prove more of a calamity than a blessing to the great consuming public. We should do all in our power to avert any such result.

PRESIDENT BAILEY: Now this able paper of Mr. Emery's will be followed by that of Mr. Horace Ankeney, commissioner of Ohio.

MR. ANKENEY: Mr. Chairman, I have no paper on this subject, although I am down for discussion. I have been food commissioner now a fraction over five months, and I have been in just long enough, like a freshman in college, to know it all and yet not know anything. It seems to me that we, in the hours yet before us, and with the committee reports and what those reports will bring forth to be heard, it is a matter to me of good judgment on my part if I decline to say anything and sit down and let us get at the other work.

PRESIDENT BAILEY: No, we would like to hear from you on this subject.

MR. ANKENEY: I will embody it all in a sentence or two. I think the first thing we

need, above all, is a standard for foods. Then I think when we have those standards I think that parties who manufacture goods and put them on the market should label them what they are. I do not believe in food laws that are teaching the people of this country, of which we are so proud to speak, of the United States and of our foreign possessions, to teach the young and the old deception from the word go simply because somebody is making a living out of it. If you stop to think, that is just exactly what is being done. This man says, "If you make me label my syrup what it is, when it is made up of maple and glucose and cane sugar, I can not sell that as I can if you will let me sell it as pure maple syrup. If I am making some other product and label it so and so, I can not sell that as I can if you knock this out. If you take out the question of color and preservatives I can not sell that as well as I could if I have it in. In other words, if you will let me make a product without your knowing what it is and put on that a label that will deceive the very elect, I will have a profitable business; I will make money out of it and the chances are you won't die if you eat it." But somehow or other in the American people there is a kind of feeling that we don't like to be deceived and deceived continually; and if we continue as we are, with the kind of labeling of goods and the positiveness of those labels, we are simply adding to the deception and bringing up our children to begin to deceive, and then it is a question of who shall deceive the most. I am against it on that ground.

Now I have said I would not say but a couple of sentences: I do not believe it is worth while to say any more.

PRESIDENT BAILEY: I will say right now that there was a whole lot said in those few sentences, in my opinion. This closes the topic of Uniform Labeling and the next subject is Antiseptics and Coloring in Food Products. The address on this subject was delivered by Prof. J. H. Shepard yesterday in order to give the manufacturers an opportunity to hear it on that day, and to give them an opportunity to discuss the same. The discussion of the subject is next in order and will be opened by Prof. A. L. Winton of the Connecticut Experiment Station.

MR. WINTON'S REMARKS.

There has been a great deal said on this subject. All the things I intended to say have been said several times and in a much better way than I could say them, but there are one or two points that might be touched upon again. First, with regard to the use of preservatives. In talking with representatives of the trade, particularly packers of food products, I have often heard the

statement made, that they would have to continue to use preservatives, chemical preservatives, or else go out of business. I never could quite understand that matter. Their position reminds me of a Yankee in a town where I was brought up, who had just lost his wife. After the burial ceremonies were over and they were about to leave the churchyard, this man called the curate to one side and told him that he had got to get married again or else die. After he had put it in this form, he asked the clergyman's advice. The clergyman advised him by all means, without any hesitation, to die. Now that man didn't die, and he didn't get married right away, and I don't think if these preservatives were prohibited that our friends in the trade would go out of business. The very commendable stand taken by Mr. Evans of the Heinz Company convinces me that they will continue in the trade and will perhaps not withdraw a single product from the market. I know that in my own household we are able to make all these things and keep them without preservatives. Of course, the problems that confront the trade are a little different; it is a more difficult thing to transport these products from one place to another, but I am convinced, especially after what I have heard during this convention, I am fully convinced that the matter will be met, and in a satisfactory manner.

With regard to coloring matter, the case is a little different. I, myself, do not see any use in frescoing our stomachs with these paints. Foods will keep perfectly well without them. The only possible excuse for their use is that they bait our appetites. Usually this is not necessary, except possibly the morning after an entertainment like the ones we had yesterday and like the one we will have this evening; but even then, assuming that our appetites are not very good for breakfast, do you think that it will whet them to have the steak colored pea-green or the griddle cakes navy-blue? This would disgust one and all of us, just as some of us are now disgusted when we are asked to drink green, violet or blue cordials, and when we are asked to eat, as we are often in my city, ice cream with half a dozen artificial colors in one slice. At a little dinner given by the alumni of my college a short time ago, one-third of the ice cream on each plate was colored a deep Yale blue worked in the form of a "Y." I looked around at the hundred and fifty people sitting at that board and found very few had the patriotism to eat their college color.

Now, gentlemen, the matter has gone to the point where some of us are disgusted. The residents of this beautiful city a hundred years ago were accustomed to paint their faces. We do not think that is good taste at the present time, but we do what is worse, paint our food. I think the matter has gone to the point where we will soon swing to the opposite extreme, and clamor for no

colors at all in any food. People have often said to me, "Of course you will allow coloring in butter and confectionery." Gentlemen, if we allow it in butter and confectionery, we must allow it in all other genuine products where the idea is not to deceive but simply to render the products more attractive to the eye. Of course we all admit that when colors are used for purposes of deception there is absolutely no excuse for their use. The bone of contention is now merely, shall we allow them in genuine products, where there is no intention of deception—merely to please the eye? We have allowed that in butter, in real butter, and so long as we have allowed it in butter we could not consistently frown on the use of other colors in other genuine products. The question that confronts us now seems to be a very simple one: either we must continue to allow the use of colors in butter, confectionery and other products, or we must stop their use in all foods without exception. It is only fair to treat all products alike. We have not referred to the sanitary aspects of the case; we are waiting for Dr. Wiley's conclusions on that. We are content to wait, but in the meantime we must work with what evidence we have. These products are under suspicion. They are innocent, of course, until they are proven guilty; but it seems to me while they are innocent they are still under suspicion, and I hardly think we ought to give them a place of confidence at our family board. Of course, we cannot do anything radical. In fact, I think the public and the food men themselves will perhaps be the ones to lead us out of this muddle. If the public becomes disgusted with this wanton use of colors, the manufacturers will very gladly save that expense. I hope the matter will be adjusted, and I think perhaps it will be—by the public and the manufacturers. It seems to me a great waste of good colors to put them into food and then swallow them, where they are out of sight. For my own part, I prefer to have bright colors on the china or in gaudy patterns on the dining room wall paper; in that case they not only prepare the stomach for the food that is on the board, but after I have swallowed the food and there is a need of helping on the processes of digestion they continue to stimulate the flow of the digestive fluids.

PRESIDENT BAILEY: The next on this subject is Prof. Julius Hortvet, State Chemist of Minnesota.

ADDRESS BY HORTVET.

The use of antiseptics and artificial coloring in the preparation of foods has given rise to a somewhat perplexing state of affairs. The chief point which seems to be perfectly clear to all minds now is that *something must be done*, and done as speedily as possible, and done adequately. Very much discussion has been carried on regarding the harmfulness of various antiseptics and color-

ing compounds, but much of it has been mere discussion, and there has not been enough investigation and experimentation. Ask the chemist, physician, or manufacturer what he actually *knows* regarding the properties of this or that preservative or coloring compound, and the answer is one-sided or certainly insufficient. Harmful compounds have unquestionably been employed in the manufacture of foods and drinks; substances now universally known as poisons have from time to time been reported; medical literature furnishes an imposing array of cases of poisoning by certain mineral colors and so-called "aniline dyes"; and the daily press has been free in its methods of exposing all forms of harmful adulteration. The result is that the popular mind has reached a state of uncertainty and suspicion regarding manufactured articles of food. Are there any pure foods? What is the definition of a pure food? These are questions not yet fully answered.

Adulteration to the average mind is apt to imply the addition of harmful ingredients; preservatives and coloring matters appeal to many people as a class of poisons, and manufacturers fully understand the situation and now hesitate or refuse to spread on their labels such words as "imitation," "adulterated," "preservative," or "coloring." Deception has worked an immense amount of harm, and the means of deception have been chiefly these harmful or so-called harmless preservatives and coloring matters. The history of food adulteration in Europe and in America is a record of struggle against dishonesty and fraud, and is an interesting verification of the conclusion expressed by Abraham Lincoln regarding an important question: "You can fool some of the people all of the time, you can fool all of the people some of the time, but you can't fool all of the people all of the time." Mr. Adams said the other day: "It is not necessary in this meeting to picture or assail the evils of food adulteration. The judgment of this association is settled upon this question. And not only this, but public opinion has been so thoroughly stirred during the last decade that the evils of food adulteration are rather exaggerated than underestimated." And when he said "The members of this association are fighting a great evil, but they should use no weapon but the truth," he spoke a great truth. The advocates of pure foods, the friends of pure food legislation, while they should love their opponents, should love the truth a great deal more. It is indeed hoped that we are at the close of the period of popular agitation on this question, that we are now about to begin an accumulation of facts broad enough to furnish us a solid foundation upon which we may build a structure of popular sentiment and national law which shall overcome the evils of which we speak. It is not enough now to say that artificial dyestuffs and

preservatives are added to foods in most cases to conceal inferiority, or to make them more attractive in appearance, thus tending to deceive the purchaser as to the quality of the goods. The deception or the tendency to deceive are well recognized, and on this point there is little room for argument. My own opinion is opposed to the use of any chemical preservative or artificial coloring matter whatever in the preparation of foods and beverages, but that to some is a sweeping opinion and somewhat remote from the real questions at issue. Those experiments on antiseptics and coloring matters recently begun by Dr. Wiley in the government laboratories at Washington are epoch-making, and their results will inaugurate new methods in the handling of these questions. Only by such strictly scientific methods and the laying aside of every theory or personal impression or prejudice can the effects of preservatives, coloring matters and other substances added to foods, upon the health of the consumer, be determined. Such methods of investigation are constructive and stand far superior to some methods which have been applied and which have often been rather destructive in purpose or tendency. The good accomplished by the food commissions of the various states has been of immense value and will continue to bear fruit in future years, but in order to handle these unusually difficult questions now before us, work of a more thorough and fundamental kind is required. We are called upon to build up, not merely to tear down; we are expected to *know*, not merely to *assume*. How can this or that kind of food be preserved for a sufficient length of time without resorting to a chemical preservative of any kind? In cases of emergency, if the use of a preservative is to be permitted, what substances may be used? What substances or class of substances must be absolutely prohibited? Under what circumstances must packages of food be labeled so that the purchaser and the consumer may be fully informed? These are some of the questions now demanding answers. The work before us is plain, and every intelligent manufacturer will be heartily ready to co-operate along these lines. Regulation of the food industries should in future depend more on the results of scientific investigations, and the laboratory should be the paramount factor in the shaping of food standards and food laws. Let the determination of the injurious articles rest on the judgment of experts, and let the use of all compounds the action of which on the human organism is unknown in the meantime be prohibited in the preparation of food and drink. Let there be periodical investigations by a committee of official chemists to determine what are and what are not appropriate substances for such uses. Before a compound is admitted into commercial use it should be subjected to a full investigation, and upon the

report of the committee should depend the kind of restriction or regulation to be imposed.

PRESIDENT BAILEY: Our secretary informs me that he has a paper from Dr. Henry Leffman of Philadelphia on this subject, which he will read.

COAL-TAR COLORS.

BY DR. HENRY LEFFMAN.

The sanitary relations of the so-called coal-tar colors have been given considerable attention of late years. The most systematic investigation into the question is that of Weyl, an English translation of which was published some years ago. Some experiments on the effects of a few coal-tar colors on the action of common digestive ferments were also published by Weber.

A careful consideration of all the facts in this field shows that the experimental inquiries have been conducted in an unsatisfactory manner. Apart from the fact that the action of digestive ferments in test tubes is not precisely analogous to the action in the living organism, the experiments have always been made with quantities of the colors far in excess of those used in the foods and beverages which are colored. Thus, by consulting Weyl's book (the principal source of information on this question) it will be found that, with regard to Martius' yellow, one of the colors that he considers poisonous, he used in his test 0.5 gram (nearly eight grains) in one dose to a dog weighing 6,850 grams, that is in the ratio of 1 part of the color to 13,700 parts of body-weight. This would be considerably over 20 grains of the color to 50 pounds body-weight. This is a case at one extreme. It will be found that most of Weyl's experiments were conducted with much larger proportions of color to body-weight.

Now the question whether or not a substance is a poison is dependent upon dose or upon the tendency to accumulate in the system. Some metals, such as lead, mercury and arsenic, even when taken in very small doses, establish conditions of ill-health because minute amounts of them remain in the tissues. Such results are not obtainable from pure organic colors, because these are either consumed in the body by destructive processes or rapidly excreted. As far as regards the relation of dose, it must be noted that it is a great mistake to assume that a substance that is poisonous in large doses is therefore dangerous in small doses. All the experience of medical science contradicts this opinion. The experiences of common life are also opposed to the view. Almost all our common beverages and many of our table accessories, for example, coffee, tea, cacao, and all alcoholic beverages owe their activity to the presence of substances which are dangerous to health when taken in concentrated form. So vinegar, mustard, pepper, and the spices generally owe their activity to highly toxic bodies. It is the

small dose and the dilution that makes the harmlessness. The alcohol in beer and wine is much more of a poison than any of the ordinary coal-tar colors, yet no action is taken against alcohol on this ground, because it is recognized that its specific effects are modified by the dilution.

If, therefore, coal-tar colors free from poisonous metals are used (and such colors are easily obtainable), there seems to be no objection on general sanitary grounds to their use. The amounts of colors used are so small that they cannot be supposed to exert any effects at all comparable to those obtained when large doses are given. It must also be noted that these effects in large doses are only rarely serious. Only very few colors were found by Weyl to have disturbing action in large doses, and in Weber's experiments the quantities used were very large and the experiments are open to serious objection. The quantities of color generally used commercially are indicated by the following data:

One grain of dry red, pink or yellow coal-tar color gives the average commercial tint to cream goods mixture—work at a ratio of one pound of dry color to 28,000 pounds of candy.

One grain of the above colors in clear or hard candies, such as stick candy, clear drops, etc., is sufficient for three pounds of candy, at a ratio of one pound of dry color to 21,000 pounds of candy.

The above figures are for solid colors, i. e., where the goods are colored all the way through. Equally small amounts are used in other articles, so it will be seen that the effects can bear no comparison to those obtained by the experimenters. If their results were taken as a guide, it could be shown that all ordinary beverages and most table accessories are unsuited for consumption.

It is also important to notice that the coal-tar colors do not form a class of bodies apart from ordinary organic substances. On the contrary, they are of the type of the natural colors. Two natural colors are now being replaced by artificial products from tar. These are Madder and Indigo. The former is now wholly obtained from tar, the latter largely, and probably soon will be, obtained *entirely* from it. Such substitutes are not imitations, but the same bodies.

PRESIDENT BAILEY: Since passing from the subject previous to this, the Uniform Labelling of Food Products, one or two gentlemen have come in that had papers, and I would like to give them a chance to be heard. I will call on Mr. Heiner, of Utah, first.

MR. HEINER'S ADDRESS.

Mr. President and Gentlemen of the Convention: I am busy in the committee-room at this time, and I think that the gentlemen who spoke before me in discussing different subjects have stolen from us the ideas which we should have expressed and

have said what we would have had to say on the subject of uniform labeling, and I do not know that there is very much left for me to say. I agree perfectly with Mr. Jones in nearly everything he said, and at a recent session of our State Legislature this matter of labeling was carefully discussed. We had manufacturers from all over the State meet with our Senate Committee on Manufacture and Commerce to give their views on this question. They said they had to sell 25 pounds of candy in a 30-pound pail because of the expense they were put to by trying to comply with the label laws of the surrounding states. One state said you must brand your candy one way and another state said you must brand it another way, and so on until the jobbers and manufacturers were put to a considerable expense preparing their labels for the different states.

I feel confident that if the states would enact uniform labeling laws it would either reduce the price or increase the quantity of a great many of the food products that are sold in the United States to-day.

I think that the name and address of the manufacturer or jobber, the time of manufacturing and packing and the different ingredients of the product should be plainly written in the English language on every package of food that is sold. So that the innocent consumer or the man who pays his money for it may not be compelled to buy a chicken in the bog, but that he may know just what he is buying. I claim that a man's hard-earned money is his own, and when compelled to part with it he should at least know what he is getting for it.

Mr. Chairman, it is useless for me to say that we are all after the dollar, and not excluding the manufacturer of food products either, and if he can mix a little water with his milk, corn meal with his ginger, colored flour with his mustard, ground cocoanut shells with his cinnamon, buck-wheat middlings or cracker crumbs with his pepper, or exhausted cloves or clove stems with his cloves and sell them for the pure article and at the price of the pure article, he feels that he has done well. I think a man who does this should be brought to justice, and agreeing with Mr. Jones.

I see no better way to clear up this trouble than to have food products labeled just what they are, and have it uniform throughout all the states, so as to give the food commissioners a solid foundation upon which to work.

The gentleman from Illinois said: "Ever since our first parents began business in the Garden of Eden, there have been attempts to palm off a cheaper for a better article." I have no records of analysis made at that time, but, drawing my conclusions from records of analysis made since

that time, I am forced to believe that Brother Jones is right.

Gentlemen, think of the great amount of money spent every year in the United States for food stuff—\$800,000,000.00. Now think whether or not it is right for those paying out all this to know what they are getting for it, even from an honest point of view, excluding the more important question of its effect upon the health of the consumer.

Surely both consumers and manufacturers agree with me on this matter, that the public should know what they are buying.

PRESIDENT BAILEY: We will now hear from Mr. George L. Dingman, Assistant Dairy and Food Commissioner of Minnesota.

MR. DINGMAN: Mr. President and gentlemen of the convention, I certainly am not egotistical enough to think anything I might say along this line would add to anything that has been said. Yesterday we were compelled to take whisky in such enormously large quantities that this subject was forced out of its order on the program, but now that we have reached it, I will say that I realize the fact that the manufacturers all over this country are saying "How long, O Lord, how long are we expected to submit to this multiplicity of labeling?" and they are asking and look forward to this convention to take some stand which will place their products uniformly all over the country without having to keep on hand labels for every individual state in the union. I know this, and so does every commissioner and assistant that is connected with the food departments. It is not confined to any state. It is uniform; it is a widespread demand. They have a right to ask this convention to adopt some means. Now our time is almost run. We haven't but very little time to close up the balance of the business of the convention, and I know, at least I am optimistic enough to hope we are going to have a national food law which is going to cover a large number of these mooted questions, among which I believe this is the very foremost, and if such is the case I think it would be appropriate to appoint a committee on whom could be conferred or placed the responsibilities which should have been taken up by this convention, to a degree at least. Therefore, I will simply make a motion to have a committee of five appointed on whom shall be placed the responsibility of conferring with the national law makers when they convene to perfect a pure food bill for presentation to our coming congress, because I believe it is going to be passed, and that a committee of five from this convention confer with them upon the subject of uniform labeling for each and every product where it is permissible in food productions.

MR. PATTERSON: I understand the executive

committee of this association takes up all those matters—that is, in reference to the national food law; that is in the power of the executive committee.

MR. DINGMAN: I realize that fact, and I do not think we would be trespassing on their power if we took it up as a body and ask that they at least take our advice on the subject. It has at least been crowded out of the deal this time.

MR. PATTERSON: You withdraw your motion until the committee comes in and we can take it up then.

MR. DINGMAN: I don't think it is any discourtesy on the part of the convention to do this.

PRESIDENT BAILEY: Do I hear a second to Mr. Dingman's motion?

MR. PATTERSON: There has been no second.

PRESIDENT BAILEY: It has not had any second, Mr. Dingman.

MR. DINGMAN: Very well.

PRESIDENT BAILEY: That, I believe, closes the program of addresses and discussions. The secretary tells me he has a letter from Senator McComber of Dakota to the association, which he will now read.

MR. ALLEN: The executive committee last winter in Chicago extended an invitation to Senator McComber to be with us at our meeting this year and we wired him from Chicago asking him if he were coming, and he replies as follows:

Mapleton, N. D., July 22, 1903.

Mr. R. M. Allen, Secretary, St. Paul, Minn.:

My Dear Sir—I beg to acknowledge receipt of your message of the 20th. I delayed replying until this time in the hope that I might be able to give an affirmative reply. I fear, however, that even though I may be able to reach St. Paul this week, it will be impossible for me to remain such time as will enable me to visit your congress. I assure you, however, that my heartiest good wishes are with you in your labors, and I shall hope to avail myself of the benefits of your discussions in my efforts to secure national legislation supplementing the laws of the several states, which are directed against food adulterations. I feel certain that a national law covering the field of interstate commerce, that field beyond the limits of state legislation, is essential, and with the two combined the evil can be practically overcome.

Wishing your body a most successful session, and assuring you of my earnest desire to co-operate with you in securing needed legislation, I beg to remain,

Very truly yours,

P. J. McCUMBER.

I want to read also the formal invitation that we had from the Louisiana Purchase Exposition.

St. Louis, July 13, 1903.

To the President of the National Dairy and Food Commissioners:

Sir—I am directed by the President of the

Louisiana Purchase Exposition to extend to the National Dairy and Food Commissioners a cordial invitation to hold the meeting of the association for 1904 in this city.

It is not necessary to suggest that in that year will be held the Universal Exposition commemorating the purchase of the territory of Louisiana, and that the features of the exposition will be of great interest to the association. I am directed to say that the exposition management will be prepared to furnish a hall without charge for the holding of the sessions of the association. The committee on ceremonies will, if desired, recognize the National Dairy and Food Commissioners by setting apart a special day, or by providing for some special feature in the program.

The Information Service, conducted without charge by the exposition management, will assist delegates in obtaining satisfactory accommodation at reasonable prices. The fair name of Saint Louis for hospitality will not be marred in 1904. Assurances given by the railroads warrant the promise of very low rates in transportation.

Respectfully,

WALTER B. STEVENS.

Secretary.

PRESIDENT BAILEY: The next order of business will be the report of the legislative and executive committees.

MR. ALLEN: Mr. Chairman, a record of the work of the legislative and executive committees has been kept by the secretary, which he will enter in the proceedings of the last year.

The committees met in Chicago first to consider the subject of a national law and to consider the place and time of meeting, and while there they had an invitation to come to Washington and attend the hearings before the senate committee, and they proceeded there, and on motion of Mr. Wright of Iowa, seconded by Mr. Jones of Illinois, it was agreed to allow the expenses of the legislative and executive committee to Washington out of the funds realized from the sale of this book, to be finally acted upon by the association. That is one point to be considered in this report. Again we met in Chicago; Mr. Jones was present and we invited Mr. McConnell to met with us to consider the program, and during that time we formulated the program which we have. Those are the two principal meetings and that is the work that we did.

As secretary and treasurer of the association, some report ought to be made in that regard, and I want to make it now. Heretofore we have had no special system of keeping our accounts. Before going into this, however, I move you that we go into executive session.

The motion was duly seconded and carried and the convention thereupon went into executive session.

Convention again in open session.

The Committee on Resolutions then presented its report, recommending the adoption of the following resolutions:

WHEREAS, The members of this association, being actively engaged in the enforcement of state food and dairy laws, and realizing the necessity for a national food law to control interstate commerce in foods, and to serve as a model for similar state legislation, and believing that such a law would bring about a unification of the various state laws; therefore,

Resolved, That this association urges congress to pass a pure food law.

Resolved, That the legislative and executive committee be requested to begin at once the work of securing the enactment of a national pure food law by congress, and said committee is authorized to appear on behalf of this association before any congressional committee to which the subject may be referred, and to take such other action as may seem advisable to them in helping to secure the enactment of such a law.

Resolved, That in the opinion of this association the use of preservatives, including saccharine or any chemical for bleaching purposes in canned goods, is condemned.

Resolved, That this association indorses those portions of the act of Congress of May 9, 1902, concerning renovated butter as directly contributing to pure food and honesty in trade, and that it commends the rulings and administration of this law by the Secretary of the Treasury and the Secretary of Agriculture.

Resolved, That we approve of the bottling in bond law as it stands, and recommend that it be modified and extended in any way that would still further facilitate the distribution of pure whisky from the distiller to the consumer.

Resolved, That the manuscripts and papers for the official report of the proceedings of this convention be submitted to the executive committee for revision, with authority to exclude therefrom anything that in their judgment is not proper to be made a part of said report, all papers and discussions to be submitted to the author or speaker for correction.

Resolved, That H. B. Meyers be authorized to compile and publish the proceedings of the seventh session of the National Association of Dairy and Food Commissioners held this year, upon the same terms as the minutes or the proceedings of the last convention, and it is understood that this convention does not give the weight of its indorsement to any advertisements that may appear in the book, and that this resolution be printed in a prominent place.

Resolved, That the thanks of this association be tendered to the National Association of Official Agricultural Chemists for valuable assistance rendered us in our efforts to discover and establish proper standards for foods and food products and in improving and unifying food analyses, and that we earnestly solicit their continued co-operation.

Resolved, That this association recommends the adoption by the Louisiana Purchase Exposition, in judging the butter exhibits from the various states, the scale of points used in scoring by the National Creamery Buttermakers' Association, state dairy associations and all the leading markets—i. e., flavor, 45; grain, 25; color, 15; salt, 10; package, 5—and a copy of these resolutions be sent Hon. S. D. Coburn, Chief of Live Stock Division, and to Hon. D. R. Francis, President of Louisiana Purchase Exposition.

Resolved, That the National Association of State Dairy and Food Departments desires to express to the Honorable, the Secretary of Agriculture of the United States, its warm appreciation of his

prompt action in putting into execution the acts of congress respecting misbranding and the importation of adulterated foods; also, of his expressed desire to promote the work with which the several state dairy and food commissioners are charged, by co-operating with them through the execution of the national laws above named.

Resolved, That we appreciate the courtesy and good will of the Honorable Secretary of Agriculture in sending representatives of his department, viz., Dr. Wiley and Maj. Alvord, who have so ably assisted in the deliberations of the association in its annual meeting.

Resolved, That the thanks of this association be tendered to the chief executive of the State of Minnesota, the Honorable Samuel R. Van Sant, for his hearty words of welcome to this association, and for his deep interest and kind words of encouragement to the members of this association.

Resolved, That the thanks of this association be tendered to the commercial clubs of the cities of St. Paul and Minneapolis for the pleasant trips, banquets and outings and for the hospitality extended by them to the members of this association and their friends.

Resolved, That the thanks of this association be extended to the jobbers and manufacturers of St. Paul and Minneapolis for the many courtesies and attentions shown the members during their visit to the Twin Cities.

Resolved, That the thanks of this association be tendered to the newspapers of St. Paul and Minneapolis for their full, accurate and comprehensive reports of these proceedings.

Resolved, That the thanks of this association be tendered to the retiring president and secretary and officers for their faithful labors in its behalf.

Resolved, That the thanks of this association be tendered to the Hon. W. W. P. McConnell, Dairy and Food Commissioner of Minnesota, and to his charming and lovable wife, and his staff of assistants for their indefatigable efforts in our behalf, and for the big-hearted hospitality extended to the members of this association.

On motion, duly seconded, the report was adopted as read.

The Finance Committee having no report to make, and there being no special committees to report, the report of the committee to confer with the Official Agricultural Chemists was taken up.

MR. EATON: I will say as a member of that committee that I attended the last meeting of the Association of Official Agricultural Chemists and also was invited by their committee on standards to confer with them in the preparation of standards for the various articles of food. Part of the report of that committee you have now before you, it having been presented to this association by Dr. Frear, chairman of the Committee on Standards of the Association of Official Agricultural Chemists.

MR. JONES: What was that report? Did you report that you had come to conclusions?

MR. EATON: As chairman of the committee of this association to confer with them I came to no conclusions in regard to the matter. The Committee on Standards have prepared

the first draft of their work, which includes several food products, meat and meat products, sugar, spices and cocoa and cocoa products, and their report is before you.

Perhaps I might in this connection report as chairman of the Committee on Standards, and say that I believe the report of this committee might be adopted provisionally by this association on those foods which are covered in the preliminary report of this committee of Agricultural Chemists.

I would also like to state that at the request of several members of this association, commissioners and chemists, I also have prepared a series or a schedule of standards for the various food products, and incorporated in that report the standards adopted by the Association of Official Agricultural Chemists, but also extended it to cover other food products, taking the United States Pharmacopoeia as a guide wherever I could, but that report was too lengthy to submit to this association and we have not had time to have a session of the Committee on Standards, but I would like to have leave to publish this schedule of standards, including the standards adopted by the Official Agricultural Chemists, in the next report of this convention, for the information of the commissioners and manufacturers of food products. I have had the co-operation in that report of several of the chemists of the State Food Departments who have agreed to go over it and make such suggestions as they think desirable before it is published, and then at the next convention we can act on this system of standards and also those who may be present at the next meeting of the Association of Official Chemists, and select therefrom such as they think proper.

MR. JONES: I don't know how the other commissioners feel about it, but I am worried a good deal over this matter, and while in my state we have no authority whatever, we have got to call in chemists and they trouble us a good deal. As a general thing, a chemist doesn't like to testify where they are doing work for these different organizations on food products. They are not in the employ of the state food department. If we could get some report just like what is recited in Michigan, as I understand their decision is, or if we could get this department to adopt standards, it would be taken as *prima facie* evidence, just like Webster's Dictionary, by the courts, and like the old chief justice of England, we want something that will be recognized and that is all the courts want. They allow you to read Greenleaf and Blackstone and every other book so as to get information, because there is no well established rule, and by investigating de-

cisions they arrive at correct rulings, so that if you gentlemen representing the different departments of the United States as state chemists would adopt this standard, it would be very useful in the courts, and I therefore move that so far as the Official Agricultural Chemists have fixed these standards, that they be adopted by this association, and that Dr. Eaton's report be published so that we can have it for the next meeting.

MR. FREAR: May I call attention to a statement which does not appear in the printed circular? It was contained in the letter which I intended should accompany it. This committee is now acting under the Secretary of Agriculture. It is authorized by Congress to publish standards and fix standards, with the aid of the Association of Official Agricultural Chemists and such other experts as we may call in to counsel; that is not the precise wording. Now, then, these standards are submitted now for revision: they are not adopted. The Association of Official Agricultural Chemists will probably not take final action upon these, because under the present status by act of Congress the Secretary of Agriculture has been charged with the duty of fixing these standards, and we have hesitated a little bit in our association of prejudging his action in the matter.

MR. JONES: Haven't these been passed on?

MR. FREAR: No.

MR. JONES: I amend that motion then by moving that it be the sense of this association that when established by the United States Secretary of Agriculture, these standards be the standards fixed by this association.

The motion was seconded and carried.

MR. SCOVELL: The chairman of the Committee on Standards suggested that they publish a preliminary report in the proceedings, and I think it would be a very admirable thing to do to have these proceedings contain the standards proposed, so that we can all see them and criticise them.

MR. JONES: That, as I understand it, was embodied in the motion, and if there is no objection the reporter will take it so.

PRESIDENT BAILEY: The next thing in order is the report of the Committee on Nominations. Is the committee ready to report?

MR. SCOVELL: Mr. Chairman, the Committee on Nominations, believing that this meeting has been a very successful one, and not believing that they could do better than they have, have in the main suggested the old officers for re-election, and their choice was unanimous except in the case of the second vice-president, who was on the Committee on Nominations and who objected very strenuously to

his name going on, but we put it on in spite of his protests; he is already third vice-president. For president we recommend J. W. Bailey; for vice-president, W. W. P. McConnell; for second vice-president, Moroni Heiner; for third vice-president, Horace Ankeney; for secretary and treasurer, R. M. Allen; for the executive and legislative committee, A. H. Jones, chairman; N. B. Critchfield and J. B. Noble, and the president and secretary, ex-officio.

Now, Mr. President, I am authorized by the committee to make a motion that the secretary cast a ballot for these officers, as the election must be by ballot.

Which motion was seconded by Mr. Jones and carried unanimously, and the secretary cast the ballot for the officers named, as directed.

PRESIDENT BAILEY: I am not going to take up any of your time. There is something better than listening to dry speeches. It is certainly an honor to be elected president of an association like this, and it is a much greater honor to have the confidence of the association and be re-elected. I can only promise you, as I have in the past, that my best efforts will be along the line of pure food and to work harmoniously with the association and its members, and I shall devote all the time and energy I can to assist in accomplishing what we are so desirous of accomplishing. I sincerely thank you for the honor. I want to say this: I have been attending conventions for a good many years, representing all sections and industries, but never have I attended a convention where there has been so much thought and so much study and so much interest and enthusiasm as the convention which is about to close here, and whatever may be the past and whatever may be the future, I believe that the impetus received from this convention along the lines we are working will go down into history, and we will look back to the convention at St. Paul as the time when we received new inspiration and that our work will date largely from this time.

MR. ALLEN: It is not the secretary's business to talk, but to work. Next year at St. Louis we want the greatest pure food congress that was ever called on top of this earth. We want the very best men in every department of scientific investigation and from every legal and practical standpoint that can be gotten together. To do this the executive committee will need the earnest co-operation and assistance of every member of the association to advise them. I think this convention has been a great power for good. I think the next one is going to be a tremendous power for good for pure food and the honesty in distribution of food products. In this work we ask that

every commissioner will seek out in his state some subject or some line of thought which will be of benefit to this association, and let us all get together as commissioners and assemble at St. Louis this great Pure Food Congress, and I think with this as a foundation we will get a sentiment that will do more than all the laws and court rulings and everything else, for the honest manufacture and sale of foods.

MR. NOBLE: Mr. President, and gentlemen of the association: I appreciate very much the honor of being put upon this committee. As I said the other day here in this convention, I have enjoyed the deliberations of this convention very much. I have always been very much interested in this association from its organization, and I am glad that it is such a growing organization, and that there has been so much enthusiasm and new life engrafted into it, and I believe, as the president has said, that it is from this time that it is going to grow faster than it has ever grown before. Your executive committee, by the resolutions passed here, have had a great deal of work put upon them, but it will be under the leadership of the chairman of the executive committee. This work the committee will endeavor to do to the best of their ability, and we hope it will be acceptable to the members of this association. We shall all look forward to the meeting at St. Louis, when we can come together with more definite plans, more enthusiastic feelings, if possible, and we will do better work in the future than we have in the past.

I would like to say also: coming here from the Atlantic coast, as we have, I am of the opinion that more people from the East would come here and attend such a meeting as this if they could see the interest and enthusiasm that there are in this work. At the next convention every state should be represented; it would do us good.

PRESIDENT BAILEY: They ought to elect commissioners that will come.

MR. JONES: I want to say a word in regard to the next meeting. I have been conferring, of course as commissioner, with the authorities at St. Louis. The Illinois commissioners are taking a very important part in those proceedings and the dairy department, and all that. We are identified with them. I see Brother McConnell coming this way, and I don't want to take up any time, but I want to say we want every commissioner to co-operate with the executive committee and help make this meeting the greatest one we have ever had in our history. You haven't any idea of where we are to-day. I can see it, as I am centrally located, and I hope this meeting will be the greatest

meeting we have ever had. I thing we can double our strength by making the meet there the grandest meeting this organization has ever had. They are looking to us all over the country for relief and help, and we are going to be a power in the land.

Mr. McCONNELL: I have no suggestions or remarks to make, nor anything to say more than what I have again and again reiterated of my pleasure in having you here with us, and I can see a prospect for a good work in the future, and I hope that all of us will be encouraged and when we take up our work will take it up conscientiously. I have had the feeling at least, and I have measured our own people and our own work, and I have had the idea that there was too much of a feeling in the dairy and food commissioners of the country that the office was a sinecure and that it was not intended to do much work. I do not believe that is right. I believe a dairy and food commissioner should work as faithfully and as earnestly as any wholesale interest would or as any large business should. It is the only way we are going to succeed. We are working to get the people to believe that we mean what we say and that we represent a great interest. That is the feeling I have, and, gentlemen, in conclusion, I will say that I am exceedingly glad that it has been our pleasure to have so many of you with us and we shall long remember your stay with us and hope that we shall see many of you again face to face, but let us feel, gentlemen, as we go forth, that we represent a great interest. We represent the interests of the dairy and pure food products of the country and I can conceive of nothing that should appeal to the people generally as our work should if it is faithfully and honestly done. Therefore I do believe that in our work from year to year that that is our strength, and I very much indeed hope that the Dairy and Food Association in the future is not going to be considered a little group of men that are supposed to be active ninety days before election and have nothing to do the rest of the year.

Now shall I at this time speak about the future outing? There has been a little bit of a change. We felt that yesterday was too hard. I felt as though going through the mill was a great task to some, perhaps too much. This afternoon we propose starting at 1:30 at the Ryan Hotel for a trolley ride around St. Paul, but we are going to limit it; we will not make it so hard. We will visit the Indian Mounds, White Bear Lake, thence back to Como Park, which I am sure will be very pleasant to all of you. Then we are going to come back and it is the evening program that has been changed. Instead of having a banquet at the Commercial Club we are expected to take the members to their hotels and go to the Commercial Club at 8 o'clock. There they are going to have, on top of that high building, a roof garden entertainment of some kind and light refreshments at the close of that, and I might add here that we believed it would be pleasanter; we canvassed the matter and thought it would be more informal, and I have advised that we have no speeches at all. We are going to have another banquet at the Lake, and if anyone thinks differently, this can be changed. Then, again, I am asked to extend an invitation from the head of our Health Department here to visit an island here in the river, where we have our public baths. I do not wish it understood, gentlemen, that this invitation is extended to you from any matter of necessity, but I have a very beautiful letter from our doctor and I would read it to you, but we hardly have the time.

To-morrow, I wish to state again, that we will start from the Union Depot at 9:15 on our trip to Minnetonka, and we hope to make this trip the best of all. The invitation is extended to every one to go and we very much hope that you will all come and if there is any one here who has a friend that they would like to take with them, please extend the invitation and we will be glad to have them come, and we shall be back here in the evening as early as we can.

Convention adjourned.

Chicago, Ills., September 1, 1903.

I hereby certify that the foregoing is a true and correct transcript of the Proceedings of the Seventh Annual Convention of the National Association of State Dairy and Food Departments.

Charles A. Boas

Reporter.

Eighth Annual Convention and International Pure Food Congress, St. Louis, Missouri, Sept. 26, 27, 28, 29, 30 and Oct. 1, 1904, on the Grounds of the Louisiana Purchase Exposition. Program of Addresses and Discussions on pages 85 and 86.

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